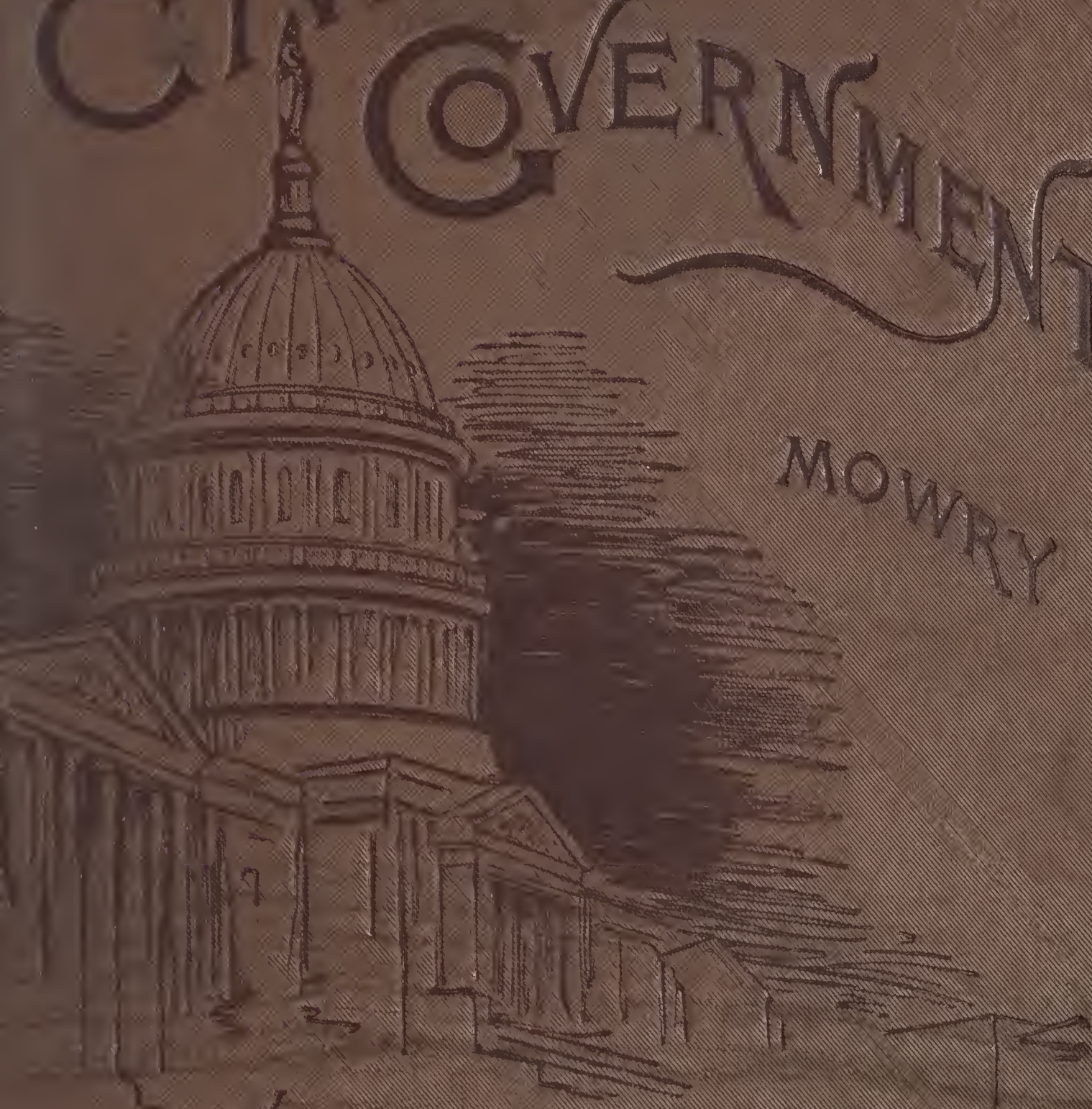


ELEMENTS of CIVIL GOVERNMENT

MOWRY



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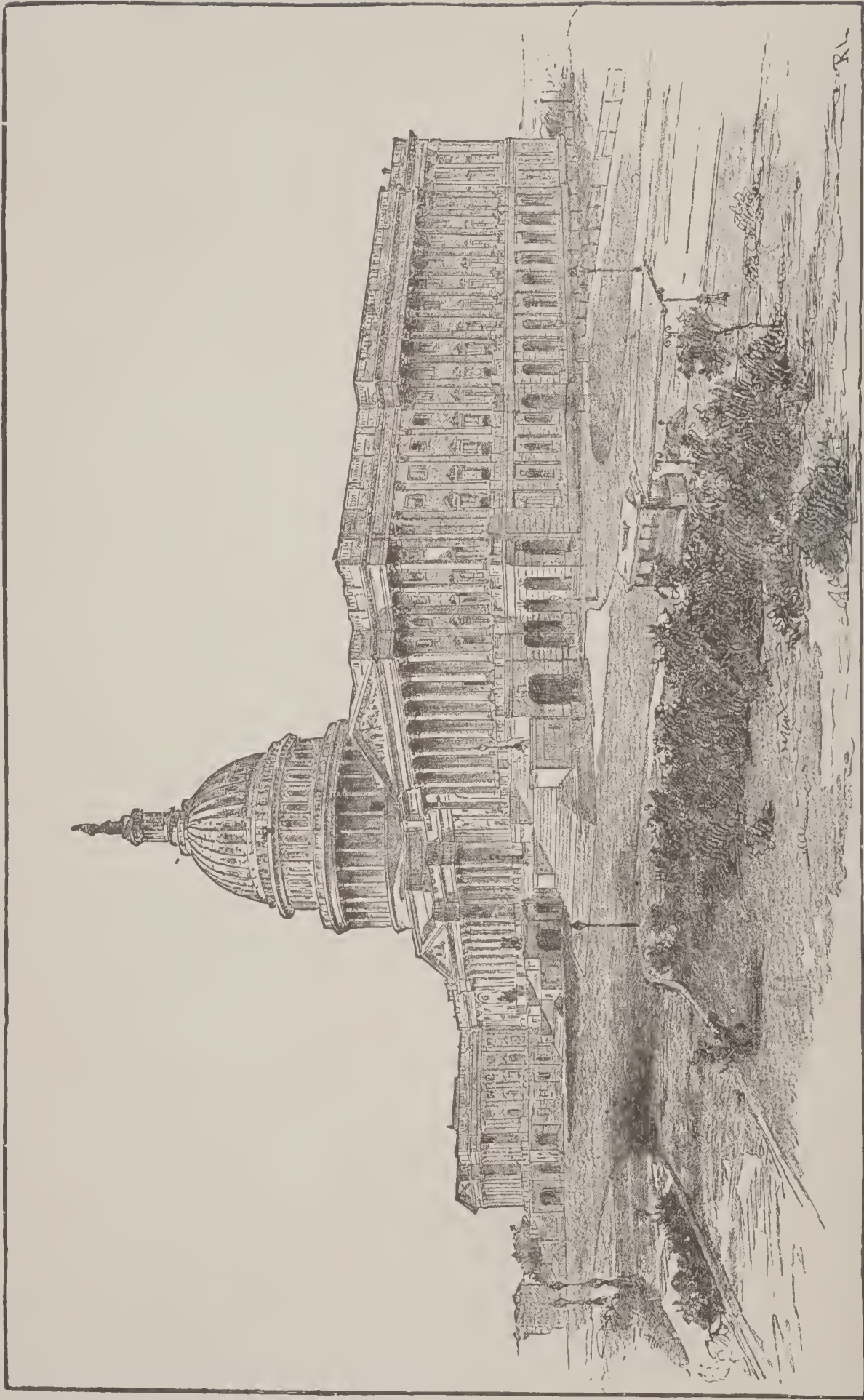
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ELEMENTS
OF
CIVIL GOVERNMENT

LOCAL, STATE, AND NATIONAL

*A BRIEF COURSE FOR UNGRADED, GRAMMAR, AND
HIGH SCHOOLS*

BY

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SILVER, BURDETT & CO., PUBLISHERS

NEW YORK

BOSTON

CHICAGO

1895

2425 /
193 V3
1895

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Norwood Press :
J. S. Cushing & Co. — Berwick & Smith.
Boston, Mass., U.S.A.

PREFACE.



ONE of the most gratifying signs of the times is the increasing interest of late manifested in different parts of the country in the study of our Civil Government. This growing interest is seen in the multiplicity of books relating to this subject, its general discussion in the daily and weekly press and the monthly and quarterly magazines, the formation of Societies for Promoting Good Citizenship, and especially in the great increase in the introduction of the study of Civil Government into the public and private schools, academies, and colleges in all parts of the country. It is doubtless true to-day that the study is carefully pursued in many high, grammar, and ungraded schools in every state in the Union. It should be, in every school in the country where there are pupils above thirteen years of age.

Our public school system is maintained upon the principle that the safety of free institutions demands intelligence on the part of every citizen. If the property of the state is to be taxed to educate the children of the state, it surely follows of necessity that the principles, methods, powers, and duties of the government, and the relation of the parts to each other and to the whole,

as well as the duties and privileges of the citizen, should be studied in these schools.

We have many treatises upon the Constitution of the United States, and text-books of a higher grade for the study of Civil Government in high schools, academies, and colleges, — books so extended and complete that a full year is required to master them; but it is everywhere felt that a suitable book is very much needed for ungraded and grammar schools, and for high schools in the smaller towns and cities, where time cannot be found for an extended study of the subject. Moreover, it is found that many of the text-books are written for older and more mature pupils, thus being entirely above the reach of the younger and more immature minds in the schools just mentioned.

It is the hope of the author that this book will be found well adapted for the purpose above indicated. It attempts to discuss, in a brief and elementary manner, the foundation principles and general facts of our government, local, state, and national, in language easily understood by pupils from twelve to sixteen years of age, and at the same time without making the silly and futile attempt to degrade the dignity of the subject to the language and style of the primer, the first or the second reader. This subject can scarcely be studied to advantage by primary scholars, but it can be pursued with entire success by nearly all boys and girls who have studied arithmetic to percentage, and who can comprehend the good English of a fourth reader.

It is believed that the plan of this elementary treatise will commend itself to teachers everywhere. It is analytical and topical. It includes, —

1. Town Governments.
2. City Governments.
3. County Governments.
4. State Governments.
5. The National Government.

It introduces the history of the early settlements and the colonies, the formation of the state and national governments, and the rapid and marvellous growth of the republic.

It gives topical analyses for blackboard work, and general outlines for reviews.

This book is not designed to take the place of the author's "Studies in Civil Government," but its purpose is to furnish a shorter course, which can be used in schools where younger pupils can spend from three to six months in the study of an elementary book, but would find the larger and more mature treatise too extensive and too difficult.

The author takes this opportunity to express his grateful appreciation of the cordial reception and extended introduction given to his former book, entitled "Studies in Civil Government," which in two years has passed through four editions, and is now in extensive use in all sections of our common country. That book has just been thoroughly revised, and the necessary

changes made to adapt it to the present condition of our state and national governments.

It may not be improper to add that these two books have not been made at the study table merely, but have grown out of twenty-five years of practical teaching, in which the author has had a class every year in this subject, and that not a few men now prominent in both public and business life have expressed the conviction that this study has proved of greater interest and of more practical value to them than that of any other subject of their entire school curriculum.

The author desires to express the hope that this brief treatise may serve to promote a higher appreciation of, and a stronger love for, our free institutions and our liberal government "of the people," to the end that they may be perpetual.

WILLIAM A. MOWRY.

DORCHESTER, May 1, 1890.

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ELEMENTS OF CIVIL GOVERNMENT.

BLACKBOARD OUTLINE.



GOVERNMENT.

1. Local.

Town, Township, or County.

2. State.

At first thirteen states, now forty-four.

3. National.

A true republican government of confederated states.

PART FIRST.

LOCAL AND STATE GOVERNMENTS.



CHAPTER I.

INTRODUCTORY.

WE live in a republic. Our country is called the United States of America. It extends from the Atlantic Ocean on the east, across the Valley of the Mississippi River, over the Rocky Mountains to the Pacific Ocean on the west. On the south is the Gulf of Mexico and the republic of Mexico; on the north is British America; then far to the northwest beyond British Columbia is Alaska, which also belongs to the United States. We have forty-four states, six territories, and the District of Columbia in which is the city of Washington, the capital of our country.

All the people in this broad country are citizens under one government. This is called the Na-

tional Government. This National Government is divided into three parts, called the Legislative, the Executive, and the Judicial departments.

The legislative department consists of a Congress of the United States, which includes two branches, the Senate and the House of Representatives.

The executive power is invested in one man called the President of the United States.

The judicial department comprises a series of Courts, including the United States District Courts, the United States Circuit Courts, and the Supreme Court of the United States.

There are in this country subject to this one government more than sixty millions of people. This is the largest, most prosperous, and most powerful republic in the world. We ought to be thankful that we live under a good government and that our nation is large, and strong, and powerful.

By and by we shall want to study the history of this government, when and how it began, and how it has grown to its present prosperous condition; but before taking up this subject, let us consider some other matters. We live not only in a republic but in a commonwealth. We are not only citizens of the United States, but we are citizens of the state of ———

Every state has a government of its own. This government consists, like the National Government, of the Legislative, Executive, and Judicial departments. The legislative department, usually called the State Legislature, includes a Senate and a House of Representatives. The executive officer of the state is called the Governor. The courts of the state include local courts, — that is, Police Courts or Justice Courts, — County Courts, for the trial of civil and criminal cases, and the Supreme Court of the State.

Again, we are not only citizens of the United States, and citizens of our state, but we are citizens of the town or city in which we live. So we have a third kind of government, a local government, that is, the government of our town or city. It will be necessary, therefore, in our study of Civil Government, to keep constantly in mind that we are subject to our local government, to the laws of the state and to the laws of the United States. In all matters that relate to local affairs the town or city government has full power; in another set of subjects, relating to the general good of the people of the commonwealth, the state government has full control; but in everything which concerns the nation at large, the authority is vested in the National Government.

In Emerson's beautiful little poem of the mountain and the squirrel, he makes the little rodent say to the mountain, "If I cannot carry a forest on my back, neither can you crack a nut." Each has its place and its duties and the other cannot interfere.

The term "state sovereignty" is a misnomer. There is no such thing, and cannot be in a republic. Indeed there is—in the true sense of the word—no "sovereignty" in a republic, for there is no "sovereign." It is only by a figure of speech that we say "the people are sovereign." The township cannot interfere with the state or the nation, neither has the state or the nation the right to infringe upon the powers or prerogatives of the town.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR
REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What is a republic?
2. Describe the republic we live in.
3. How many square miles does it contain?
4. Citizens of towns, city, or county, of state and of nation.
5. Legislative department — law-making.
6. Executive department — enforcing.
7. Judicial department — interpreting.

BLACKBOARD OUTLINE.

TOWN OFFICERS.

- | | |
|--|---------------------------|
| 1. Moderator. | 5. Assessors. |
| 2. Town Clerk. | 6. Constable. |
| 3. Town Treasurer. | 7. School Committee. |
| 4. Selectmen. | 8. Overseers of the Poor. |
| 9. Highway Surveyors, or Road Commissioners. | |

CITY OFFICERS.

- | | |
|---------------------------|-------------------------------|
| 1. Mayor. | 6. City Clerk. |
| 2. Aldermen. | 7. City Treasurer. |
| 3. Councilmen. | 8. City Solicitor. |
| 4. School Committee. | 9. City Auditor. |
| 5. Overseers of the Poor. | 10. City Marshal, and others. |

COUNTY OFFICERS.

- | | |
|--|-----------------------|
| 1. County Commissioners. | 5. County Sheriff. |
| 2. County Treasurer. | 6. Coroner. |
| 3. County Auditor. | 7. District Attorney. |
| 4. County Registrar. | 8. County Assessors. |
| 9. County School Commissioner, and others. | |

CHAPTER II.

LOCAL GOVERNMENT.

SECTION I. — THE TOWN.

THE town is the local unit of government. The town government in this country originated in New England. In the new states of the west different circumstances have produced a different condition of local government. In the early settlements of New England a town included a little territory, generally with a central village and outlying farms scattered here and there. The people of this territory formed a compact settlement by itself and constituted a little democracy, where all the people came together in town meeting and made laws for themselves, assessed taxes, ordered roads built, schools to be supported, and determined by a majority vote whatever seemed best for the well-being of the little settlement.

These towns were grouped together in a colony, and the colonists were, at that time, subject to Great Britain. The first town meeting in America was held in Dorchester, Massachusetts,

in the year 1633. It was then established as an institution for that town. The citizens voted that the meeting should be held monthly, and that all matters relating to the welfare of the town were to be determined by a majority vote, the minority yielding their preferences and agreeing to be governed by the majority. Other towns followed this example and established town meetings the next year, 1634.

The establishment thus early in the history of our country of the town meeting has proved the source of much of our freedom at the present time in state and nation. In the newer settlements in the west covering greater areas of territory, generally without the nucleus of a village, the township, as the people call it there, is of less importance, while much of the local government is necessarily administered by counties.

SECTION II. — TOWN OFFICERS.

A town meeting must be legally called. Notices are posted in accordance with law, stating distinctly the business, article by article, which is to be transacted by the voters of the town in the meeting. At the *annual* town meeting the various officers of the town are elected. In some states the voting for the principal town officers must be

by ballot. The meeting is called to order by the town clerk, then the warrant is read and a moderator is elected. It is the duty of the moderator to preside at the meeting, to put all motions, declare the vote, to see that everything is done in proper legal form, and to preserve order. The principal officers of a town are mentioned below.

Who are Voters. — In most of the states the requisites for voting in town, county, state, and national elections are as follows:—The person must be a citizen of the United States, twenty-one years of age; must have resided within the state, and county or town, the time required by law. Some states require a poll or registry tax. Some do not require citizenship. More than twenty states permit women to vote for School Committee; and in Wyoming, for all officers and on all questions, the same as men. Kansas has municipal suffrage for women.

Besides the appointment of town officers the voters assembled in town meeting levy taxes, and make apportionments of money for school purposes, highways, the support of the poor, and for such other purposes as may seem necessary, such as street lights in thickly settled portions of the town, fire engines, bridges, and various other matters.

Town Clerk. — It is the duty of the Town

Clerk to keep the records of all business done in the town meetings during the year for which he was elected, to keep records of births, marriages, and deaths in the town, and perform such other duties of a like nature as the law requires.

Town Treasurer. — It is the duty of the Town Treasurer to keep safely all moneys intrusted to him, receiving the town's money from the Collector of Taxes, from the debtors of the town in payment of bills due to the town, moneys received from the state for specified purposes and from any other sources from which the town may receive money. He is to pay out this money on the orders of the proper town officers in accordance with law, and in payment of bills against the town when certified or audited by the proper officers. The Town Treasurer is also required to look after the invested funds of the town, receiving the interest or income from such funds, and making a report as occasion may require from time to time to the town meeting or to the Selectmen.

Selectmen. — The Selectmen or Town Council, or, as they are called in some states, trustees of townships, have the general charge of the executive business of the town. They call the town meetings. In many states they receive and count the votes for state and national offi-

cers, they act as a board of health, where a board has not been appointed, they lay out highways, appoint certain minor officers, they represent the town in suits at law, they draw jurors, in some cases grant licenses, and do many other things, some of which differ in different states.

Assessors of Taxes. — It is the duty of the Assessors of Taxes to make an inventory of all the real estate in the town with the names of the owners thereof, of all personal property and owners, and make a list of the names of all persons against whom a poll tax is levied. The town having voted the amount of tax to be raised, the assessors will subtract from this sum the amount of all poll taxes, and then determine the percentage which is necessary to raise the remainder of the required tax from the total taxable property of the town. The tax list is then turned over to the Collector, whose duty it is to notify each person what his tax is and demand payment thereof. This notice usually states when and where the tax may be paid, and if not paid within the time allowed by law, then the Collector must institute measures in accordance with law for its collection from the property assessed.

Constable. — It is the duty of the Constable, like a police officer, to make arrests in accordance with law of persons charged with crime. A Con-

stable having arrested a person will hold him as prisoner and convey him to a safe place of detention, keeping him in custody until he shall have a trial and be acquitted or sent to jail. It is the duty of the Constable also to serve warrants and writs, summon witnesses, and to perform all such duties as are laid upon him by law.

School Committee. — Our people maintain in all the states and in all the territories a system of free schools. These schools are not established and maintained by national authority, but by state and territorial laws. In some states the schools are sustained by the state government, under uniform state laws, the state holding in its hands absolute control of all public schools within its jurisdiction. In such cases the state provides for the appointment generally of county superintendents and county school boards, the township having but little jurisdiction in the matter. In most of the older states, in the eastern part of the country, the township system prevails. In this section the state usually has a Board of Education and makes laws concerning the schools and their general management, but leaves the particular care of them to the towns. In such cases there is usually a state appropriation for school purposes, and another appropriation by each town, according to its needs. In this case the schools

of the town are placed under the control of the School Committee elected by that town. This Committee usually consists of three or more persons, generally an odd number, who, in accordance with the laws of the state, have the entire management and control of the public schools. In most states having School Committees they examine the teachers, grant them certificates, fix the rate of wages, approve the bills for payment, build, repair, and keep in order the school-houses, arrange courses of study, examine the schools, determine rules and regulations for them, etc. In some states women, as well as men, vote for members of the School Committee.

Overseers of the Poor. — These officers have charge of the poor people belonging in the town, who have no relatives to support them, making proper arrangements for their support, either in the almshouse — sometimes called the poor-house — or boarding them in private families. In some cases this duty is assigned to the Selectmen.

Road Commissioners or Highway Surveyors. — These officers have charge of all the necessary repairs on the highways and of the building of new roads when ordered by the town. The duties of other town officers need not be specified.

Herrick's "Powers and Duties of Town Officers in Massachusetts" gives the following as the law in that state concerning town meetings :

“Every town meeting shall be held in pursuance of a warrant under the hand of the selectmen, directed to the constables or to some other persons appointed by the selectmen for that purpose, who shall forthwith notify such meeting in the manner prescribed by the by-laws or by a vote of the town. The selectmen may by the same warrant call two or more distinct town meetings for distinct purposes.

“The warrant shall express the time and place of the meeting, and the subjects to be there acted upon; the selectmen shall insert therein all subjects which may, in writing, be requested of them by any ten or more voters of the town, and nothing acted upon shall have a legal operation, unless the subject-matter thereof is contained in the warrant.”

The following is the form of the warrant for calling the Annual Town Meeting in the state of Massachusetts:—

WARRANT FOR CALLING THE ANNUAL TOWN MEETING.

E—, ss. To either of the Constables of the town of B—, in the said county, Greeting:

In the name of the Commonwealth of Massachusetts, you are directed to notify the inhabitants of the town of B— qualified to vote in elections and in town affairs, to meet at the Town Hall in said B—, on — the

—— day of —— next, at —— o'clock in the forenoon, then and there to act on the following articles : —

1. To choose a moderator to preside in said meeting.
2. To choose all necessary town officers for the year ensuing.
3. To hear the annual report of the selectmen, and act thereon.
4. To raise such sums of money as may be necessary to defray town charges for the ensuing year, and make appropriations of the same.

And you are directed to serve this warrant, by posting up attested copies thereof, one at the Town Hall, and one at each of the public meeting-houses in the said town, fourteen days at least before the time for holding said meeting. The polls will open at —— o'clock, A.M., and will close at —— o'clock, P.M.

Hereof fail not, and make due return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hands this —— day of ——, in the year one thousand eight hundred and ——.

SELECTMEN OF B——

[NOTE TO THE TEACHER. — Object lessons are the most effective of all lessons. It is the practice of some of our best teachers to have the scholars conduct a mock town meeting. Previous to the day on which the town meeting is held, the teacher should write off, or have written, a warrant, which should be posted in some convenient place in the school-house, signed by the selectmen, previously appointed from the scholars by the teacher. A town constable and a town clerk should also be previously appointed ; — the constable to post the warrant and make returns thereon, and the town clerk should call the meeting to order, and preside until a moderator be elected.

On the day the town meeting is held, the school should organize and carry through the forms of such a meeting according to the warrant already posted. If it be an Annual Town Meeting, let the town officers be elected by ballot, let the business of the town, as embodied in the warrant, be conducted in order, and the meeting finally adjourned.

Any skilful teacher who has a few bright scholars in the school (and what school has not?) will find this practice of holding town meetings or of holding mock courts, or a Legislative Assembly, as the House or the Senate, to be of much interest and of great value to the school.]

SECTION III. — CITIES.

When the population of the town becomes so large that it would be difficult to transact public business in the town meeting, it is customary all over the country for the town, by a majority vote, to apply for a city charter. In some states a special act of the Legislature is necessary to grant a charter for the new city. In other states a charter may be obtained, under circumstances defined by law, from the officers of the state in accordance with a general statute for the incorporation of cities. This charter must be accepted by a majority of the legal voters at the town meeting called for that purpose. The charter defines the powers and duties of the several officers to be chosen under it.

The City Government. — The City Government is vested in the Mayor and the City Council. The Council may consist of two bodies, (1) a

Board of Aldermen and (2) a larger board called a Common Council, or it may consist of but one body, a Board of Aldermen and no Council, or a Council and no Board of Aldermen.

The Mayor is elected by the voters of the whole city. The Aldermen are in some cases elected by wards or districts, and in others on a general ticket for the whole city. The members of the Common Council are usually elected by wards.

The city, like the town, has its school committee, assessors of taxes, overseers of the poor, clerk, treasurer, collector of taxes; and it usually has a superintendent of streets, officers of the fire department, a city solicitor, a city physician, auditor, city marshal or chief of police, and sometimes other officers. Many of these officers are appointed by the City Council rather than elected by the people.

Mayor. — The Mayor is the executive officer of the city. He must see that the laws are enforced, and that subordinate officers are faithful in their duties. He makes recommendations to the City Council. Usually he has a veto power over the Council similar to the veto power of the Governor over the legislature. The Mayor in some cases is considered as a member of the Board of Aldermen, and presides over them. In other cases he presides over them but has only

the casting vote. In still other cases he is not connected with the Board of Aldermen.

The Aldermen. — The Board of Aldermen have powers and duties corresponding to those of the selectmen in the towns. They draw jurors, issue warrants for ward meetings, and in legislative matters have joint power with the Common Council.

City Council. — The City Council, whether consisting of one body or of two, have the power to fix the salaries of officers, to levy taxes, borrow money, make appropriations for the various departments of the City Government, and in general to care for the public interests of the city. The City Council pass what are called ordinances relating to public matters, like the construction of sewers, the erection of buildings, obstruction of streets, prevention against fires, punishing vagrancy and truancy, and whatever is needful for the preservation of property, the public health, and the general well-being of the city.

The town organization, as has been seen, is a democracy, while the City Government is representative. The executive power of the mayor and aldermen in the city corresponds to that of the selectmen in the town. The legislative power in the city is found in the City Council instead

of the whole body of voters as in the town. The City Council elects inferior officers instead of the people as in the town. In the city, voters meet in districts or wards for the election of officers, while in towns all the voters usually meet in one body. In some instances, however, large towns have been divided into voting precincts.

SECTION IV. — COUNTIES.

The state is divided for convenience in local government into counties, or into counties and towns. In the south and some portions of the west, the states are divided into counties only. In New England and some of the Middle and Western States, the counties are sub-divided into towns or townships. The division into counties is found in every state except Louisiana, which is divided into parishes.

In all states where the counties are divided into towns, the town is the unit of government, and in some states more important than the county. Where the counties are not thus divided, the county is the unit of government. Where towns exist, the local government is divided between the county and the town. Both counties and towns are corporations.

County Commissioners. — In most of the states, but especially in those states where the local gov-

ernment is vested in the county rather than the town, the chief executive officers for the counties are called County Commissioners. In some states there are officers called supervisors, and the supervisors of the several towns in the county form a board of supervisors for that county. These boards have the care of the public property of the county and attend to all matters of building or repairing public buildings, such as the courthouse and county jail. In those states where no towns are found, or where the county officers have more political power than those of the towns, these county boards or county commissioners exercise large powers with regard to schools, taxes, highways, bridges, etc.

County Treasurer. — Each county has a Treasurer who has the custody of all moneys belonging to the county, receiving the funds and paying them out as required.

County Auditor. — In some states there are officers called County Auditors, whose duty it is to examine and certify bills against the county.

Recorder or Registrar of Deeds. — In most states each county has a Recorder or Registrar of Deeds, whose duty it is to keep permanent records of all deeds, mortgages, and other written instruments which are required by law. In a few states these records are kept by the town clerks in the several towns.

Sheriff. — Each county has a Sheriff, or, as in some states, a Deputy Sheriff, to distinguish him from the High Sheriff. It is the duty of the Sheriff to execute all warrants, writs, and other processes intrusted to him by the courts, to arrest persons accused of crime, and to have charge of the county jail and its prisoners.

Coroner. — It is the duty of the Coroner to inquire into the causes of the death of persons who have died suddenly or by violence. The Coroner summons a jury, who examine witnesses and give their opinion in writing as to the manner and cause of the person's death. This is called a Coroner's inquest.¹

District Attorney. — It is the duty of the District Attorney to conduct the prosecution in all courts of the county in which persons are tried for crimes. He is sometimes called the prosecuting attorney or the state's attorney.

Assessors. — Wherever the taxes are assessed and collected by counties instead of by towns, the counties have Assessors and Collectors of Taxes. Their duties have already been described. There are also county Surveyors and other officers differing in different states.

School Commissioners or Superintendents. — In a large number of states the public schools are managed by counties. In such cases the county

¹ In Massachusetts, where there is no Coroner, the inquiry is made by a "Medical Examiner," and the inquest is held by a court or trial justice.

has a School Commissioner or a Superintendent of Schools, whose duty it is to examine teachers, visit the schools, and attend to general matters relating thereto, but only as directed by the laws of the state. In some states there are county boards of education, differently constituted, who have under their care the interests of the public schools.

These various county officers may be considered as belonging to two classes in respect to their jurisdiction. Some of them are the representatives of the county only, while others are considered as state officials, but exercise their power only in their own county. The County Sheriff arrests a man for crime, but as the crime is fixed by state law, it is considered that the state arrests the man; yet this arrest is made by the agent of the county. So when the district attorney prosecutes him, it is in the name of the state whose law he has violated. But the county commissioners, or the recorder, or county treasurer act only for their county, and in no sense in the name of the state

SECTION V. — EDUCATION.

Perhaps no department of our government is of more importance than our system of public schools. Although these are supported and regu-

lated by the state, yet they are substantially local institutions and may properly be treated in this place.

Monarchies do not necessarily rely on the intelligence of the people for the preservation of their form of government, but a republic is made secure only by the intelligence and morality of all the people. It is generally agreed that intelligence, enterprise, thrift, and virtue are essential elements for a popular government. It would be unwise and dangerous to the state for us to allow any portion of our people to bring up their children in ignorance or vice.

The public school began its history in this country in New England. The Boston Latin School dates from 1635. Harvard College was founded, partly by private gifts and partly by the government of Massachusetts Bay, in 1636. The town of Dorchester established the first public school which was supported by taxation in 1639. From this time onward the district school in New England became an important institution, so that long ago it was considered one of the boasted products of New England.

When the territory northwest of the Ohio River was first settled, many of the pioneers went from the Eastern States. They carried with them and established in that section the New England

system of public schools. This institution has since prevailed in all the great northwest and in the states upon the Pacific coast, and since the late war it has been established by law in every southern state. All the organized territories have also established for themselves public schools. We have then to-day a system of public schools prevailing in every state of the Union, in every organized territory, and in the District of Columbia. The laws relating to the schools, as well as their management, differ greatly in different states. In New England, where they first started, much is left to the people of each town. The state has a Board of Education and a Superintendent of Public Instruction. In some states this officer is called a Commissioner of Education, in others he is termed the Secretary of the Board of Education. The state makes laws for the government of the schools, and apportions a certain sum of money among the several towns, but each town levies a tax upon its inhabitants and their property for school purposes.

In the west and the south the states have a more direct management of the schools, exercising a more immediate control over them. Many states have school funds to aid in supporting their public schools. In those states where the counties are not divided into townships, the schools are county

schools, usually divided into districts for schools of the lower grades, but having one or more county high schools.

In some states public schools are largely elementary in their character, but a majority of the states carry public instruction through a high school course. Many of the Western States maintain also state universities, in which any young person belonging in the state can have free instruction through a liberal course of college or university study.

Private Institutions of Learning. — In addition to the public schools, all sections of our country maintain many private institutions of learning. There are private schools — primary, grammar, and high — in most of our large towns and cities. Many academies and seminaries have been founded and endowed by benevolent persons, where an excellent education can be obtained at moderate expense. Colleges and universities are numerous in all parts of our country. Many of them are well endowed with large funds, enabling them to give a liberal education at a small part of its actual cost. Of late, parochial schools have been established by the Roman Catholic Church in large numbers in different sections of the country. The different Protestant denominations have, to a greater or less

extent, denominational schools here and there, of various grades. Perhaps there is no country in the world where the opportunities for every one to obtain a good education are more widespread than in the United States of America.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

TOWNS.

1. Give an account of the early New England town.
2. Western towns. Why are the towns in some sections of less relative importance than in New England?
3. Town meeting — importance.
4. Town officers — how elected.
5. Duties of Town Clerk.
6. Duties of Town Treasurer.
7. Duties of Selectmen.
8. Duties of Assessors.
9. Duties of Constable.
10. Duties of School Committee.
11. Duties of Overseers of the Poor.
12. Duties of Road Commissioners.
13. What preliminaries are needed before a town meeting can be legally organized?
14. What can be done legally in a town meeting?

CITIES.

15. What is a city charter?
16. How obtained?

17. Difference between a town government and a city government.

18. How is the Mayor elected?

19. Duties of Mayor.

20. Duties of Aldermen.

21. Duties of Councilmen.

COUNTIES.

22. Where are counties of the most importance? Why?

23. What state has no counties?

24. When are counties units of government?

25. Duties of County Commissioners.

26. Duties of County Treasurer.

27. Duties of County Auditor.

28. Duties of Recorder.

29. Duties of Sheriff.

30. Duties of Coroner.

31. Duties of District Attorney.

32. Duties of Assessors.

33. Duties of School Commissioners.

34. Write an essay upon our system of public schools.

[Let different pupils take different topics concerning public schools, e.g.: (1) Why is it right or just to tax all the property to support public schools? (2) The necessity of compulsory education. (3) Should the state support high schools? (4) Should it support colleges? (5) Advantages and disadvantages of private schools. (6) Advantages of graded schools. (7) Why should we learn to read? (8) Is it a disgrace to be a poor speller? (9) Is it any credit to be a good speller?]

BLACKBOARD OUTLINE.



DEPARTMENTS OF GOVERNMENT.

- | | | |
|----------------|--|---------------|
| 1. Legislative | | 2. Executive. |
| 3. Judicial. | | |

LEGISLATIVE DEPARTMENT.

- | | | |
|---------------|--|----------------|
| 1. The House. | | 2. The Senate. |
|---------------|--|----------------|

EXECUTIVE DEPARTMENT.

- | | | |
|------------------|--|-----------------------------|
| 1. The Governor. | | 2. The Lieutenant-Governor. |
| 3. The Council. | | |

OTHER EXECUTIVE OFFICERS.

- | | | |
|------------------------|--|---------------------------------|
| 1. Secretary of State. | | 5. Surveyor-General. |
| 2. Treasurer. | | 6. Commissioner of Public |
| 3. Auditor. | | Schools. |
| 4. Attorney-General. | | 7. State Librarian, and others. |

THE STATE COURTS.

- | | | |
|--------------------|--|-------------------|
| 1. Justice Courts. | | 3. County Courts. |
| 2. Police Courts. | | 4. Supreme Court. |

CHAPTER III.

STATE GOVERNMENTS.

SECTION I. — THEIR ORIGIN.

WHEN the War of the Revolution commenced, it united thirteen English colonies, which were located along the Atlantic coast of North America, in rebellion against the British government. On the 4th of July, 1776, these colonies, through their delegates assembled in the Continental Congress, declared themselves independent of the mother country, and published to the world their intention of taking their place as one of the nations of the earth. The several colonies at that moment became states. They immediately adjusted their government in accordance with the new conditions under which they were placed. On that same day began the new nation of the United States of America, and the separate existence of each state as a state in the Union. One after another of these states formed a written constitution for itself, some just before, the others after the Declaration. These were termed state constitutions. Every one of the present forty-

four states has a written constitution, which was formed by a convention of the people, and which has been adopted by a majority vote.

Virginia was the first state to adopt a constitution, June 29, 1776. On the 2d of July, New Jersey adopted a constitution. These two were prior to the Declaration of Independence. Before the end of that year, Maryland, Delaware, Pennsylvania, and North Carolina had adopted constitutions. In 1777 Georgia, New York, and Vermont adopted constitutions, although Vermont was not admitted into the Union as a state until 1791. South Carolina adopted her constitution in 1778, Massachusetts in 1780, and New Hampshire in 1784.

Connecticut and Rhode Island continued their governments under their former charters received from the king. The charter of Connecticut dated from April 20, 1662, and it served as a constitution for that state until the year 1818. The charter of Rhode Island went into operation July 8, 1663, and that little state retained it as her constitution until the year 1842, when she adopted a state constitution. At the time that charter was superseded by the new constitution (1842), it was the oldest written constitution then in force in the world.

These various state constitutions all contained substantially: —

1. A Bill of Rights.
2. An Executive Department.
3. A Legislative Department.
4. A Judicial Department.

SECTION II. — THE LEGISLATIVE DEPARTMENT.

The Legislative Department makes the laws for the state, but the state laws must not conflict with the constitution of the state nor the constitution of the nation. The state laws relate to matters of justice, equity, and rights, concerning the dealings of the citizens with each other and with the state. They provide for the organization of corporations, the establishment and support of educational and charitable institutions, and make all needed regulations for the prosecution and punishment of crime. In general, the aim of the Legislature in all laws is to promote the general welfare of the people of the state.

It was but natural that these English colonists should follow in many things the notions and customs which they had received from the mother country. In Great Britain the Legislative Department of the government included the House of Commons and the House of Lords. The American states severally, and the United States in its constitution, all followed the British system of two houses.

The House of Representatives.—Each state has a House of Representatives, although not always called by that name. The Representatives are chosen in nearly all of the states on the basis of population. For this purpose the state is divided into representative districts. A few states elect representatives for one year, but more elect for two years; while some elect for three years, and a few for four years.

The Senate.—The Senate is considered the upper house of the Legislature. The office of Senator is supposed to be of higher honor than that of Representative. The Senators are chosen from senatorial districts, which in all of the states are larger than the representative districts, making the Senate a smaller body than the House. Each house has a list of standing committees, and most of the business of the two houses is considered, examined, digested, and reported to the house by the appropriate committees; so that much of the ordinary business of the house is to pass a formal sanction upon what has been done by the committees. In this way the transaction of business is greatly facilitated, and the result is probably wiser than if every detail came before the full house.

When, however, some matter of importance upon which there is a diversity of opinion comes

from a committee, the house discusses the subject, the members who are specially interested in that particular question debate it with all the strength of their decided convictions; and then, when the majority has decided the point, the minority yield gracefully, and the law is passed or defeated, as the case may be.

The Making of a Law. — Before any bill can become a law it must be presented to one of these two houses, usually reported upon favorably by a committee, passed to a second reading, generally laid over until another day, then being called up it takes its third reading, and if adopted by the requisite vote, is sent to the other house. Here it goes through the same form as before, and on a favorable report from the proper committee it passes to its three readings. If at the third reading it obtains a majority vote, it is ordered to be engrossed and sent to the Governor for his signature. In most states the Governor has a veto over all bills passed by the Legislature. If he signs the bill, thereby indicating his approval of it, it becomes a law, and it is then sent to the Secretary of State to be placed on file for preservation. If the Governor disapproves of the bill he refuses to sign it, or in other words he “vetoes” the bill, and returns it with his objections to the house where it originated. In this

case it must pass the two houses of the Legislature again, and in nearly all the states a two-thirds vote is necessary. If it fails to receive this vote in either house, the bill is killed. In some states a majority vote only is necessary to pass the bill over the Governor's veto.

Each house is the judge of the election and qualifications of its own members, chooses its own officers, and establishes its rules of procedure. In some of the states the House of Representatives only can originate bills looking toward taxation or the expenditure of money.

SECTION III. — THE EXECUTIVE DEPARTMENT.

The Governor. — The chief executive officer of the state is the Governor. It is a common custom to apply to him the title of "His Excellency." In the early history of the states New Hampshire, Pennsylvania, Delaware, and South Carolina called the executive officer the President. All other states from the outset gave him the name of Governor.

In a monarchy the chief executive officer is the monarch himself. In him is the source of power, and other officers are responsible to him. Under a republican form of government, as in the several states, the executive officer holds inferior offi-

cers responsible to him, but he in turn is responsible to the people, who are the source of all political power.

Term of Office. — The Governor is elected by the people ; in some states annually, in others for the period of two, three, or four years. The tendency at present seems to be toward biennial elections.

Qualifications. — The qualifications necessary for a Governor differ in the different states. The qualifications for a Governor in every state are determined by the constitution of that state. These constitutions commonly agree that to be eligible for the office of Governor a person must have been for a certain number of years a citizen of the United States, and for a term of years immediately preceding his election a resident of the state. He must also be above a certain age, which in most of the states is thirty years.

Powers and Duties. — The executive powers and duties of the Governor are important and various. It is his duty to represent the state on public occasions and in its dealings with other states and the United States. He is Commander-in-Chief of the military forces of the state, and has the power to call out the militia of the state in time of insurrection. It is his especial care as the chief executive to see that the laws be faith-

fully executed. He has power to call upon the different executive officers under him for information concerning the condition of affairs in their respective departments. He communicates information of the condition of the state by message to the Legislature when in session, and is accustomed to recommend to that department of the government such measures as he considers necessary and desirable. He usually has the power to call together the Legislature on extraordinary occasions. In most states he has the veto power.

The Governor has certain judicial powers. In most states the power is granted to him by the constitution to reprieve or pardon criminals. To reprieve a criminal is to postpone or delay for a certain time the execution of the sentence which has been already pronounced upon him. To pardon is to free the criminal entirely from the execution of the sentence. A pardon forgives the offence and releases the offender. Most states also give the Governor the power to commute a sentence; that is, to change the penalty or punishment for a less severe one. For instance, when a person has been sentenced to capital punishment, the Governor may commute that sentence to imprisonment for life. In some states the pardoning power is not given to the Governor, but is retained in the hands of the Legislature, or the Senate, or the Governor's Council.

The Governor has also in all states more or less appointing power. He appoints many executive officers and sometimes judicial officers. This power of appointment differs greatly in the different states. In some states he appoints all the principal executive and judicial officers, such as the Secretary of State, the Attorney-General, and the judges of the courts. In other states these officers are elected by the people, and the Governor appoints only officers of a lower grade. In none of the states has he the power to appoint legislative officers. In some states the Governor is intrusted with powers and duties which it is not necessary to mention here. Some states provide for a "Governor's Council," or, as it is sometimes called, an "Executive Council." The members of this council are usually elected by the people, and their duty is to advise the Governor, especially in regard to certain matters definitely stated in the laws.

Lieutenant-Governor. — Most of the states have an officer called a Lieutenant-Governor. In one-quarter of the states this office does not exist. Usually he has but few duties. In most of the states which have such an officer he presides in the Senate. The principal reason for having a Lieutenant-Governor is to guard against a vacancy in the office of Governor. Should the

Governor die, or by any reason be removed or become incompetent to discharge the powers and duties of his office, these would devolve upon the Lieutenant-Governor; but in every instance only in accordance with the constitution of the state.

Executive Officers. — The executive officers vary in the different states. In most of them the constitution provides for a secretary of state, an auditor or comptroller, a treasurer, and an attorney-general. Some states have an officer called a surveyor-general, whose duty it is to look after the lands belonging to the state; a superintendent of schools, or superintendent of public instruction, or commissioner of public schools; state printer; a state librarian, and others.

Some states have boards of education whose duty it is to exercise supervision over the normal schools of the state, if there are such; prescribe forms for registers and blank-books for school statistics; to direct or advise the superintendent of public instruction; and to make annual report to the Legislature of the state concerning education within its limits, with recommendations for necessary legislation or appropriations.

Some states have a board of agriculture, a board of health, a board of prison commission-

ers, a board of railroad commissioners, harbor commissioners, insurance commissioners, commissioners of savings banks, and the like.

SECTION IV. — THE JUDICIAL DEPARTMENT.

The constitutions of the several states provide for the establishment of courts of justice and carefully define their powers. In some states the judges are appointed, and in others they are elected by the people. The legislative department makes laws, the executive department enforces them, but the judicial department interprets the laws and decides cases of law, making the proper application so as to insure justice to individuals. The names and powers of the different courts differ greatly among the several states. In no two states is the judicial department exactly alike. All that can be done here is to give a tolerably correct idea of the judicial system to be found in most of the states.

Justices of the Peace. — In the various towns or counties in the different states officers are chosen, termed Justices of the Peace. The justice will hold a petty court, in which he has the power to try civil cases which involve small amounts. Some states limit this amount to one hundred dollars, and others to fifty dollars. He has also

the power to try persons charged with small crimes. Sometimes he has the power to make a preliminary examination and bind over criminals for trial in the higher courts.

Police Courts. — In the cities the lowest order of courts, similar to the justice courts in the towns, is usually termed police courts.

County Courts. — In most of the states the courts next above justice courts or police courts, which are organized for the trial of civil cases and of crimes, are held by counties, and are called by various terms, such as district courts, county courts, courts of common pleas, superior courts, etc. Many of the states outside of New England call these courts circuit courts.

Supreme Court. — The highest court in the state is usually called the supreme court of such a state. This is usually not a court of original jurisdiction, but only for the trial of cases appealed from the lower courts.

Probate Courts. — The term probate court is used in most of the states with a uniform meaning. Usually there is one probate court in every county, which has generally but a single judge. These courts are quite different in character from the courts just described. They are not for the trial of disputes between citizens, nor for the trial of persons charged with crime, but their powers

and duties relate exclusively to the settlement of the estates of deceased persons. They act upon wills, appoint administrators, and empower executors to act in accordance with the wills. When a person dies, leaving property, but not having made a will, it is said that he dies *intestate*. In that case it is the duty of the probate court to appoint administrators, whose duty it is to settle the estate, paying all lawful bills brought against it, and to divide the property among the relatives to whom it would belong by law. Strictly speaking, the administrator has no jurisdiction over the real estate of a person deceased. The lawful heirs can take possession of that without authority from the court.

When a person dies leaving a will, he usually names in that will an executor or executors, whose duty it shall be under the will to dispose of his property in accordance with the provisions of the will. The probate court has power to remove executors or administrators who fail in the discharge of their duty, to settle their accounts, and to decide questions of dispute which may arise in the distribution of the estate. Probate courts are sometimes called orphans' courts, because they have the power to take charge of the estates of minors whose parents have died, and to appoint guardians for them.

Questions of dispute which may arise concerning decisions of probate courts may be appealed to the county courts or the supreme court of the state.

Judges of the various courts are sometimes appointed by the Governor, sometimes by the Legislature, and sometimes elected by the people. Their terms of office differ in the different states. Frequently the term is from six to ten years. Justices of the peace are usually elected for one or two years. It is common in the New England States for the judges of the higher courts to hold office for life. All the officers under the judicial department, as well as those in the legislative and executive departments, receive salaries which are fixed by state laws.

There are many other matters of various kinds relating to the state governments, which might be considered with propriety here, but which may better be omitted, especially for the reason that most of them will be fully explained and better understood under the department of our national government. The subordination of the parts to the whole, of the inferior to the superior, must be kept in mind. The town and the county are portions of the state, are inferior to the state, and are subject to its power and its law, but only so subject in matters over which the state by the

constitution has authority vested in it. So in like manner it must be remembered that the states are parts of the nation, and as such are in subordination to the national authority, but only in such matters as the nation has power given to it by its constitution.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What was the Declaration of Independence?
2. How did the colonies become states?
3. Write a paper of one hundred words or more, describing the legislative department of a state.
4. Difference between the "House" and the "Senate."
5. Describe how a law is made.
6. Duties of the Governor.
7. Is a Lieutenant-Governor like a "fifth wheel to a coach"?
8. What executive officers are there in the states?
9. Justice Courts.
10. Police Courts.
11. County Courts.
12. Supreme Courts.
13. Probate Courts.
14. What is meant by intestate?
15. What is meant by executor?
16. What is meant by administrator?
17. State Judges — how appointed or elected?

BLACKBOARD OUTLINE.



SETTLEMENTS.

- | | | |
|-------------|--|------------|
| 1. Spanish. | | 2. French. |
| 3. English. | | |

COLONIAL AND REVOLUTIONARY HISTORY.

- | | | |
|---|--|---------------------------------|
| 1. The Supreme Moment in
the History of America. | | 3. Second Continental Congress. |
| 2. First Continental Congress. | | 4. Articles of Confederation. |
| | | 5. Plan of the Confederation. |
| 6. The Federal Convention. | | |

CHAPTER IV.

COLONIAL AND REVOLUTIONARY HISTORY.

SECTION I.

The Contest of the Kings for North America.

— After the discovery of America by Columbus Spain claimed the right to the new world. It was not long, however, before Great Britain, France, and other nations sent over vessels on exploring expeditions, each claiming the right to the country along whose coast they sailed. A little later settlements were attempted here and there from Quebec to St. Augustine, in Mexico, Central and South America.

Spanish Settlements.— Spain made the first permanent settlement in what is now the United States, at St. Augustine, Florida, in 1565. Spain at an early date took possession of Mexico, Central America, and a large part of the Atlantic coast of South America. So it came to pass that the Spanish Provinces were all further south than the country which at a later date became the United States of America.

French Settlements. — The French people are entitled to great praise for their early explorations and settlements in North America, and for the devoted efforts of French priests to instruct and Christianize the North American Indians. Father Marquette, Chevalier De La Salle, Joliet, and many others penetrated into the wilderness, traced the course of the principal rivers, navigated the Great Lakes, and explored the entire valley of the St. Lawrence and the Great Basin of the Mississippi.

They had possession of what is now the British Provinces at the north of us, and of the entire country between the Alleghanies and the Rocky Mountains.

English Settlements. — Great Britain was at an early date very active in sending out expeditions for discovery and explorations. The Cabots, Sir Francis Drake, Sir Humphrey Gilbert, Capt. John Smith, Gosnold, and others sailed along the Atlantic coast, taking possession of the country in the name of the king of Great Britain. Settlements were effected at Jamestown, Plymouth, Salem, Boston, Hartford, New Haven, and later still Philadelphia, and along the coast of the Carolinas and Georgia.

The Contest for Supremacy. — Thus it happened that these three great European nations,

to say nothing of Portugal, Holland, Sweden, and other minor powers, had before the middle of the last century planted flourishing settlements and organized governments for prosperous colonies along the coast and in the interior from Quebec to the Isthmus of Darien.

If the map of North America were made in three colors, showing the several parts of this continent held by these three great powers from 1740 to 1750, the lines would be somewhat as follows: The green color, which might represent Spain, would cover Florida, Mexico, and Central America. The yellow shade, representing France, would include all of the present British America and the entire valley of the Mississippi River. The red, which we will have represent the British power, will cover only the few feeble colonies along the coast from Maine to Florida, and extending westward to the Alleghany Mountains.

SECTION II. — THE CONTEST ENDED.

The Supreme Moment in the History of America. — In the year 1754 hostilities broke out between the English colonies in North America and the French. During several years preceding this date the French had established a line of posts along the Ohio River and near the Alle-

ghany Mountains, intending to prevent the English from extending themselves beyond the mountains to the westward. Washington, at the head of troops from Virginia, was sent to dislodge the French from Fort Duquesne. In the next year, 1755, occurred the defeat of General Braddock near this fort. In 1756 Lord Loudon was sent to command the British troops in America. The contest went on with the battle of Louisburg, Fort William and Henry, and the capture of Fort Frontenac. The English were defeated at Fort Ticonderoga, and fought other battles, until General Wolfe was sent by the British to take Quebec, and there defeated the French army under Montcalm.

The Battle of Quebec. — During the night the British forces climbed the steep precipice from the river up to the “Plains of Abraham.” A fierce battle ensued. It was the turning-point in the history of America. If the French should be able to compel the forces to retreat, France might reasonably expect to hold permanent possession of both the French and the English colonies of North America. If, on the other hand, the English should capture the city of Quebec, France would be beaten, and she would be obliged to surrender her vast possessions in this new world to Great Britain. The English were successful. Wolfe

and Montcalm were both killed. Montcalm, when dying, said, "I am happy that I shall not live to see the surrender of Quebec." Wolfe, after receiving his mortal wound, being told that the French were fleeing everywhere, said, "Now God be praised! I die in peace." This was in the year 1760, and soon after the English completed the capture of Canada.

Had the French succeeded in this contest, the English colonies would have been obliged to surrender themselves to the domination of France. The French language, French customs, French laws, would have controlled America; but, on the other hand, as the English were victorious, France was swept from the continent of America, and not till the beginning of the present century did she again secure any foothold here. The treaty of 1763 between England and France was a great triumph for the English-speaking race.

One historian says, "England, proudly imperious, drunk with success, dictated humiliating terms to France, and robbed her of all her possessions in North America." Great Britain took possession of the entire valley of the St. Lawrence, — which carried with it all the country which we now know as British America, — and all the territory east of the Mississippi River. France was permitted to cede to Spain the terri-

tory west of the Mississippi River, lying between that river and the Rocky Mountains, which was known as the "Province of Louisiana." This may well be called the supreme moment in the history of North America. From this time onward it was manifest that England and the English-speaking people must dominate this country. Count De Vergennes, a distinguished French statesman, was at that time the French minister at Constantinople. As soon as he heard what the English demands had been, and that the French had lost all in North America, he said, "The English have overshot the mark. Their next step will be to tax their American colonies to help defray the expenses of this war. The Americans, then no longer needing the protection of England, will refuse to pay the tax, and strike off all dependence upon the mother country." This was in 1763. How true his prophecy was will readily appear when we observe that the Declaration of Independence was passed only thirteen years later. The British did tax the colonies, the colonies did refuse to pay the tax, and, the French power being entirely swept away, and the Spanish being far off beyond the Mississippi, they no longer feared any foreign nation, so that their own independence was only a question of time. The Stamp Act alienated the Americans,

the tax on tea exasperated them; hostilities were commenced, the Declaration of Independence was put forth, the war ensued, and the thirteen British colonies became an independent republic.

The surrender of Cornwallis upon the plains of Yorktown occasioned the resignation of Lord North, and an entire change in the British ministry. Yet it was more than a year before terms of peace could be agreed upon, and two years before the definitive treaty was signed.

The First Continental Congress. — Sept. 5, 1774, on the recommendation of Massachusetts, a Continental Congress consisting of delegates from twelve colonies assembled in Philadelphia. The youngest colony, Georgia, was not represented. This gathering came to be known as the First Continental Congress. Many distinguished men were members of it, such as John Adams and Samuel Adams of Massachusetts, Roger Sherman of Connecticut, John Jay of New York, Peyton Randolph, Richard Henry Lee, Patrick Henry, and George Washington of Virginia. Peyton Randolph was chosen president. The Congress adopted the following resolution: "That in determining questions in this Congress, each colony or province shall have one vote; the Congress not being possessed of, or at present able to procure, proper materials to ascertain the importance of each colony."

The adoption of this rule proved to be a matter of great importance subsequently, inasmuch as it continued in force through the entire Revolutionary War, and until the Federal Constitution went into effect in 1789.

The Congress drew up four papers, — an address to the king, another to the people of Great Britain, a third to the inhabitants of the colonies, and a fourth to the people of the province of Canada. They recommended that another Congress be called for the tenth of the following May, in case the grievances complained of were not previously redressed. No good results were obtained from these addresses to Great Britain, although several British statesmen, including Lord Chatham, spoke of them in terms of highest admiration.

SECTION III. — THE REVOLUTION.

Second Continental Congress. — In accordance with the vote of the First Congress, the Second Continental Congress assembled at Philadelphia on the 10th of May, 1775. This Congress continued in session until March, 1781, and after that date it had annual sessions till the Federal Constitution went into effect in 1789. This Second Continental Congress was in reality the national government through the Revolu-



THE STATE HOUSE, PHILADELPHIA, WHERE THE FEDERAL CONVENTION WAS HELD.

(REPRODUCED FROM AN OLD PRINT OF ONE HUNDRED YEARS AGO.)

tionary War. It appointed Washington as commander-in-chief of the army of the United Colonies; it adopted the Declaration of Independence; it assumed the power to carry forward all necessary measures for the defence of the country; it created a continental currency; it issued bills of credit; it established a treasury department and a general system of post-offices. It recommended that the several colonies should establish for themselves such forms of government as promised best to secure good order during the continuance of the controversy with Great Britain.

Articles of Confederation. — No sooner had independence been determined upon than it became obvious that the states would need some written articles which should bind them together and give proper authority to the Congress. A committee was therefore appointed to prepare "Articles of Confederation." These Articles were agreed upon by Congress on the 15th of November, 1777. They were to go into operation when ratified by all the states. Eleven states ratified them in the year 1778, Delaware in 1779, and Maryland March 1, 1781, at which time they went into effect. But this was nearly five years after the Declaration of Independence. During all this time the Continental Congress constituted the national government, and had made the treaty

between the United States and France. The Articles of Confederation made but little difference in the management of affairs. The Continental Congress went right on with its work in the same order as before, and about six months later the surrender of Cornwallis virtually closed the war. Prior to the adoption of these Articles the government had been revolutionary, the Congress governing by common consent of the people of the states. These Articles were the first attempt to draw the line between the powers of the national government and those to be exercised by the states severally. The tendency for state supremacy was strong. The colonies had been heretofore independent of each other, with only one common bond,—the common subjection to the mother country. It was the central government of Great Britain which had made arbitrary demands upon their rights and liberties. They were naturally timid of authority and fearful of centralized power. The Articles were therefore drawn up with the intention of leaving the largest possible powers with the several states, and of giving to the National Congress just as little power and authority as possible. They were “as erroneous in theory as they were inefficient in practice.” The object aimed at by them was to confederate the several states together for general

purposes of mutual assistance, especially in matters of protection against foreign foes.

Plan of the Confederation. — The Articles provided for one house of Congress composed of delegates from the several states. Each state was to pay its own delegates, and the voting on all questions was to be by states.

Matters of war and peace, treaties and alliances, were left with the Congress. This body could decide disputes between states, had charge of all postal matters, and power to regulate the value of money; but an affirmative vote of two-thirds of all the states was necessary for any important action to be taken. There was no executive department and no judiciary. Congress could apportion taxes among the states, but had no power to collect them. Each state could lay duties and imposts. Congress had not even power to enforce its own laws. It could borrow money, but could make no provision for its payment. It could appoint ambassadors, but could not defray the necessary expenses. It could declare war, but could not raise a single soldier. "In short, it could declare everything, but do nothing." The Congress ratified the treaty of peace between the United States and Great Britain, but this treaty was violated by the states, and Congress was powerless to prevent such violations.

The Confederation was merely a league between the states, embodying the greatest weakness when considered as a national government. Washington at an early day saw the difficulty and danger, and that a new constitution was the great problem of the time. Alexander Hamilton, one of the ablest statesmen of that day, as early as 1780 sketched the outline of a system of government which he thought to be necessary, and which embodied many of the essential features of our present constitution.

Federal Convention. — It had become entirely evident both to Congress and the people that the Confederation as a government was a failure. The states were issuing more and more paper money. Congress repudiated the national debt, and the states repudiated their debts. The country was rapidly becoming bankrupt. There were but few manufacturing establishments in America, and the coin of the country was constantly transferred to England in payment for vast quantities of manufactured goods sent over from that country to this. The several states were stripped of money. The credit of the states and of the Congress was gone, and the absolute collapse of the United States government was imminent.

Washington wrote to a member of Congress, "You talk, my good sir, of employing influence

to appease the present tumults in Massachusetts. Influence is not government. Let us have a government by which our lives, liberties, and properties will be secure, or let us know the worst at once."

Delegates from five states met in January, 1786, at Annapolis, Maryland, with reference to a uniform system of commercial regulations. They reported to Congress their unanimous conviction that a general convention of delegates from the several states should be called to take such action as would render "the Constitution of the Federal Government adequate to the exigencies of the Union." On the 21st of February, 1787, Congress adopted the following resolution:—

"RESOLVED, That, in the opinion of Congress, it is expedient that, on the second Monday in May next, a convention of delegates, who shall have been appointed by the several States, be held at Philadelphia, for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress and the several legislatures such alterations and provisions therein as shall, when agreed to in Congress and confirmed by the States, render the Federal Constitution adequate to the exigencies of government and the preservation of the Union."

Delegates from all the states except Rhode

Island met at Philadelphia, Monday, May 14th, 1787. On the 25th, George Washington was unanimously elected President of the Convention. This Convention was without doubt the most celebrated gathering of able men ever seen in America.

Among the thirty-nine members of the Convention who subscribed their names to the Constitution, five, viz., Sherman, Franklin, Robert Morris, Read, and Wilson, were signers of the Declaration of Independence; Washington and Madison were afterwards Presidents; Rutledge and Ellsworth became Chief Justices; Gerry was Vice-President, and Hamilton, Secretary of the Treasury; Livingston had been eleven times elected governor of his state; Wilson was famed in four universities and was esteemed the greatest constitutional lawyer of the Convention; and Dr. Franklin, then more than eighty years of age and very near the grave, rounded out his full life as a philosopher, statesman, diplomatist, by giving to his country at this her most critical period the great benefit of his own political experience. All of these men had been "identified with the heroic and wise councils of the Revolution."

The Convention had been called "for the sole and express purpose of revising the Articles of

Confederation.” It soon, however, became evident that the only way of rendering this instrument “adequate to the exigencies of government and the preservation of the Union ” was to throw it entirely away and frame a completely new document. At the very beginning of their discussions great differences of opinion were manifest. The members were generally divided into two classes, one favoring a strong national government, and the other opposed to anything which would tend to weaken state sovereignty or impair in any degree what they considered as state rights. Here then was the origin of the two great political parties, which have divided the American people from that day to this,—the states rights party and the national or federal party.

But there were other questions of no small difficulty which they were also obliged to meet at the outset: such as the diverse interests and jealousies of large and small states, of free and slave states, of states agricultural and commercial; and should the states have equal power in the national government, or should that power be proportional to the population of the several states.

Washington almost despaired, Franklin was seriously alarmed; but influenced by a spirit of mutual forbearance and concessions, various compromises were proposed and agreed to concerning

slavery, and especially in providing for an equality of the states in the Senate, and representation by population in the House. The present Constitution of the United States was agreed to by the convention, and received the signatures of members from all the participating states. This result was reached only by the most consummate wisdom, the most lofty patriotism, and such a degree of skill and ability as has seldom, if ever, elsewhere been witnessed in any assemblage of men. Washington said, "It appears to me little short of a miracle."

The Constitution was finally agreed to by all the states present on the 15th of September, 1787. This was on Saturday. On the following Monday it was signed by the members, and submitted to the Congress. The votes throughout the whole time of the Convention had been by states, as in the Continental Congress. The Congress transmitted the new Constitution to each state, recommending its ratification. Although the Articles of Confederation provided that no change should be made in them except by a vote of every state, yet the Constitution provided that the new government should go into effect when ratified by conventions of the people of nine states.

For a long time it was uncertain whether the Constitution would be adopted or rejected. Most

of the smaller states were in its favor. Its adoption was closely contested in New York, Massachusetts, and Virginia. In a little less than one year from its adoption by the Convention, it had been ratified by eleven of the states. Congress then took measures to put the new government into operation. Elections of presidential electors, and of senators and representatives in Congress, were held in January, 1789. The presidential electors voted for President on the first Wednesday of February; and the first Wednesday of March was decided upon by Congress as the time when the new Constitution should go into effect.

George Washington was unanimously elected President, and John Adams was elected Vice-President. On the 4th of March the senators and representatives assembled in New York, the new Constitution went into legal operation, and proceedings were commenced under it. It was not, however, until the first day of April that a quorum of members in both houses was obtained, and on that day Congress began the transaction of business. Washington took the oath of office, and delivered his inaugural address, on Thursday, April 30th. On April 21st John Adams had taken his seat as president of the Senate. North Carolina ratified the Constitution in November, 1789; and Rhode Island, in May, 1790.

Dates of Ratification.—The following are the dates of the ratification of the Constitution by each of the thirteen original states:

- (1) Delaware, Dec. 7, 1787.
- (2) Pennsylvania, Dec. 12, 1787.
- (3) New Jersey, Dec. 18, 1787.
- (4) Georgia, Jan. 2, 1788.
- (5) Connecticut, Jan. 9, 1788.
- (6) Massachusetts, Feb. 6, 1788.
- (7) Maryland, April 28, 1788.
- (8) South Carolina, May 23, 1788.
- (9) New Hampshire, June 21, 1788.
- (10) Virginia, June 26, 1788.
- (11) New York, July 26, 1788.
- (12) North Carolina, Nov. 21, 1789.
- (13) Rhode Island, May 29, 1790.

Thus was put into operation the Constitution of the United States of America, which Gladstone, who is considered by many the greatest statesman of this age, has pronounced to be “the most wonderful work ever struck off at a given time by the brain and purpose of man.”

It may truly be said that it embodies profound political wisdom and far-reaching statesmanship, while it jealously guards the rights of the people, providing various checks and safeguards against unjust, unwise, or dangerous legislation; and yet “in its words it is plain and intelligible, and is

meant for the homebred, unsophisticated understandings of our fellow-citizens."

QUESTIONS, TOPICS, AND SUGGESTIONS FOR
REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What was the "Contest of the Kings"?
2. Where was the first permanent Spanish settlement in the United States?
3. Where the first permanent English settlement?
4. Draw a map of North America, showing Spanish, French, and English control at the middle of the eighteenth century.
5. Draw a map showing the English and Spanish territory after 1763.
6. Describe the battle of Quebec.
7. What was the "Supreme Moment in American History," and why so called?
8. First Continental Congress.
9. What important rule did it adopt?
10. When did the Second Continental Congress convene?
11. Name the essential points of weakness in the Articles of Confederation.
12. Describe the Federal Convention.
13. When did the Convention submit the Constitution to Congress?
14. When did the Constitution go into effect?

BLACKBOARD OUTLINE.



THE LEGISLATIVE DEPARTMENT.—THE CONGRESS.

THE HOUSE OF REPRESENTATIVES.

The Number of Representatives.	Territorial Delegates.
Qualifications.	Officers.
Impeachments.	

THE SENATE.

Senators, how chosen.	Presiding Officer.
Qualifications.	Officers of the Senate.
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PROVISIONS RELATING TO BOTH HOUSES.

Sessions of Congress.
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THE POWERS OF CONGRESS.

Duties on Imports.	Coin Money.
Naturalization.	Weights and Measures.
Bankruptcies.	The "Sweeping Clause."

RESTRICTIONS UPON THE NATIONAL GOVERNMENT.

PART SECOND.

THE NATIONAL GOVERNMENT.

CHAPTER I.

THE LEGISLATIVE DEPARTMENT.

SECTION I. — THE CONGRESS.

The Preamble. — The purpose of the Constitution of the United States is fully stated in the preamble. It is as follows: —

1. To form a more perfect union.
2. To establish justice.
3. To insure domestic tranquillity.
4. To provide for the common defence.
5. To promote the general welfare.
6. To secure the blessings of liberty to ourselves and our posterity.

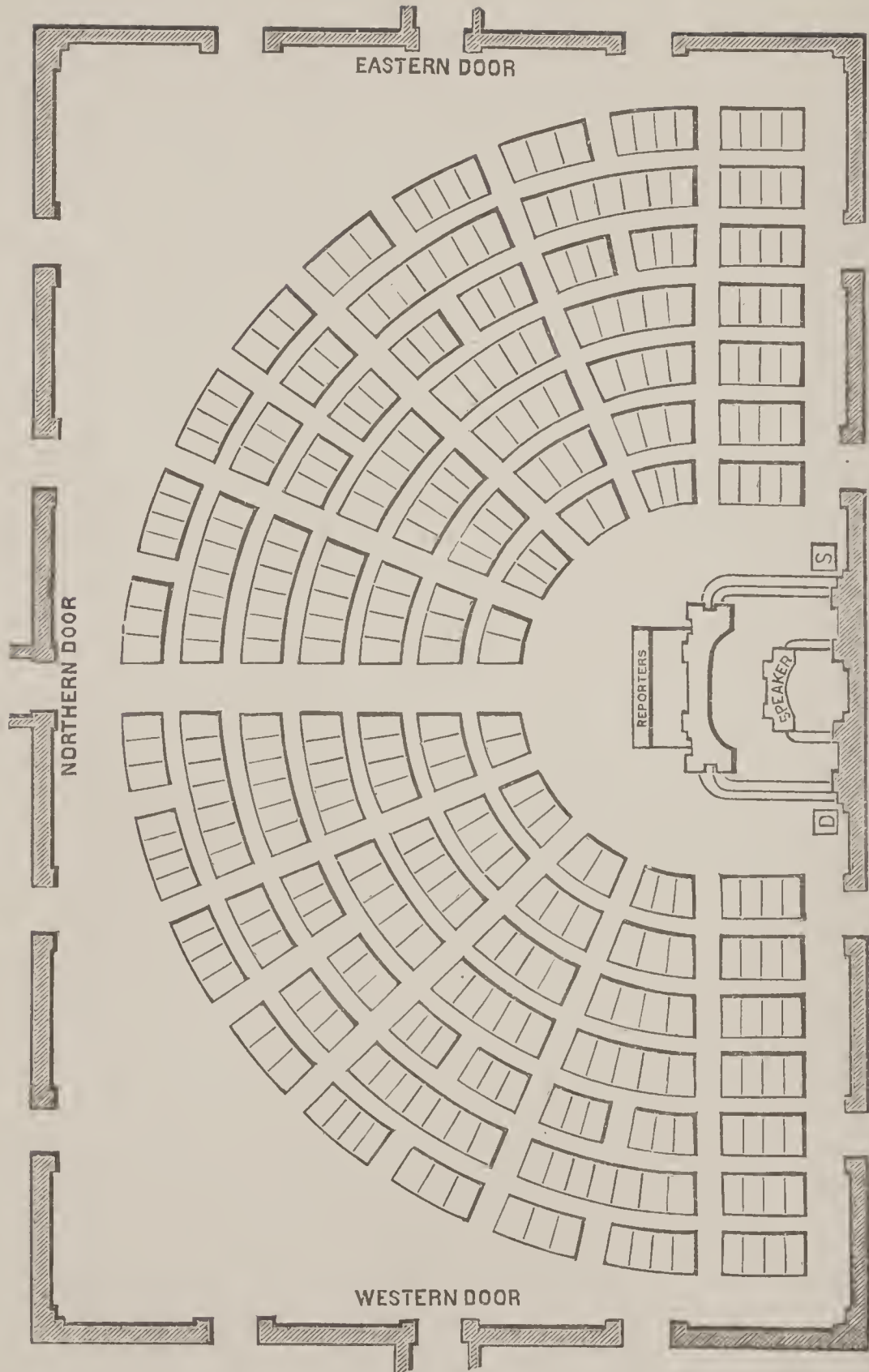
The National Element of Slow Growth. — The beginning of the nation was July 4th, 1776. During the Revolution and under the Articles of Confederation, great diversities prevailed among the people as to the proper limits of state rights and the proper extent of the Federal power. The weakness of the Articles of Confederation

rendered it very clear that the national government must have conferred upon it more extended powers. The Constitution was a compromise in many respects between divergent parties, but on the question of national supremacy there was no compromise. The Articles of Confederation constituted an agreement or bond between the several states which were specified by name. The Constitution, on the other hand, was not a league of states, but a fundamental law adopted by the people of the whole country. Its first sentence, called the preamble, is especially significant: —

“We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

SECTION II. — THE HOUSE OF REPRESENTATIVES.

By the Constitution all legislative powers for the national government are vested in a Congress of the United States, which consists of two houses, the Senate and the House of Representatives. As has already been stated, the people were influenced largely in organizing their new government by the plans and methods which they



THE HALL OF THE HOUSE OF REPRESENTATIVES, WASHINGTON.

had been familiar with in the mother country. Hence it was simply natural that following the example of the British Parliament, which consisted of the House of Lords and the House of Commons, two separate houses should here be provided for.

During the revolutionary government and under the Articles of Confederation, the Continental Congress had consisted of but one house. The states, however, in forming constitutions for themselves had, without exception, introduced the plan of two houses.

The House of Representatives. —

“The House of Representatives shall be composed of members chosen every second year by the people of the several states.”

Under the Confederation the members of Congress were chosen annually, and in such manner as the legislature of each state should authorize. The Constitution provides that representatives shall serve for two years, and that they shall be elected by “the people.” Each state prescribes by law how the members of the state legislature shall be elected, and who shall have power to vote for such members. The Constitution prescribes that any one who can vote for a member of the House of Representatives in that state, can vote for a member of the National House of Representatives.

Qualifications. — Three qualifications, and only three, are required for a representative in Congress.

1. He must be at least twenty-five years of age.
2. He must have been seven years a citizen of the United States.
3. He must, when elected, be an inhabitant of that state in which he shall be chosen.

The Number of Representatives. — Every ten years after the census returns have been made, Congress provides by law for the number of representatives for the next ten years which each state shall be entitled to. It first determines how many members there shall be in the House, and it then apportions these members according to the population of the several states. The number of representatives for the different decades and the number of inhabitants for one representative during the last one hundred years have been as follows: —

Period.	No. of Members.	Ratio of Population.
1789-1793	65	—
1793-1803	105	33,000
1803-1813	141	33,000
1813-1823	181	35,000
1823-1833	212	40,000
1833-1843	240	47,700
1843-1853	223	70,680
1853-1863	234	93,500
1863-1873	241	127,941
1873-1883	292	130,533
1883-1893	325	151,911
1893-1903	356	173,902

Sometimes the actual number of representatives has been greater than the number here given on account of the admission of new states. By the above table, it will be observed that at the present time the required number of inhabitants for one representative is 173,902, but every small state is entitled to one representative even if its population is less than the above number.

Territorial Delegates. — Each organized territory is allowed by law of Congress to send one delegate to the House. He may participate in the discussions, but he is not allowed to vote.

In the fifty-first Congress (1890), Washington, Montana, Dakota, Idaho, and Wyoming having been admitted as states, and Oklahoma organized as a territory, there were four territorial delegates.

Officers. —

“The House of Representatives shall choose their Speaker and other officers.”

The Speaker is the presiding officer of the House. The Speaker is chosen from the members of the House and can vote on every question like any other member. The other officers of the House are : —

- | | |
|----------------------|-----------------|
| 1. Clerk. | 3. Door-keeper. |
| 2. Sergeant-at-arms. | 4. Postmaster. |
| 5. Chaplain. | |

At the organization of each new Congress, the clerk of the preceding House presides till a Speaker is chosen.

Impeachment. — The House of Representatives has the sole power to impeach civil officers of the United States. When an officer is impeached, the House brings impeachment, specifying the charges against him, before the Senate. The method of impeachment is as follows: the House appoints a committee to inquire into the conduct of the officer who has been charged with improper acts. If this committee reports in favor of impeachment, the House votes upon the question. If the majority vote that the officer shall be impeached, articles are prepared specifying the charges, and action is taken upon each article. Then a committee is appointed to conduct the prosecution before the Senate. It is noticeable that but few officers have ever been subject to impeachment. Indeed, in one hundred years but seven cases of impeachment have occurred. They are as follows: —

1. William Blount, Senator. 1799. Acquitted.
2. John Pickering, Judge. 1803. Convicted and removed from office.
3. Samuel Chase, Judge. 1804. Acquitted.
4. James H. Peck, Judge. 1830. Acquitted.
5. West H. Humphreys, Judge. 1862. Convicted

and disqualified from holding any office of honor, trust, or profit under the United States.

6. Andrew Johnson, President. 1868. Acquitted.

7. W. W. Belknap, Secretary of War. 1876. Acquitted.

Thus it will be seen that of these seven cases of impeachment there have been only two convictions, one of whom was simply removed from office, and the other was disqualified from holding office.

SECTION III. — THE SENATE.

The Senate consists of two members from each state. The peculiar composition of the Senate was occasioned by the natural jealousy which existed between the states. It has already been seen that the several colonies became states, preserving their original boundaries. During the entire time of the Continental Congress all votes were taken by states, each state having but one vote. When the convention was framing the Constitution, the jealousy between the small states and the larger was strongly apparent. The larger states very naturally felt that they should have a stronger voice in legislative matters than the smaller states. On the other hand, the smaller states were unwilling to yield the equal power which had hitherto been accorded to them.

A compromise was effected by which the House of Representatives should be constituted upon a basis of population, and in the Senate the equality of the states should be retained. The Constitution provides that, —

“The Senate of the United States shall be composed of two senators from each state, chosen by the legislature thereto for six years; and each senator shall have one vote.”

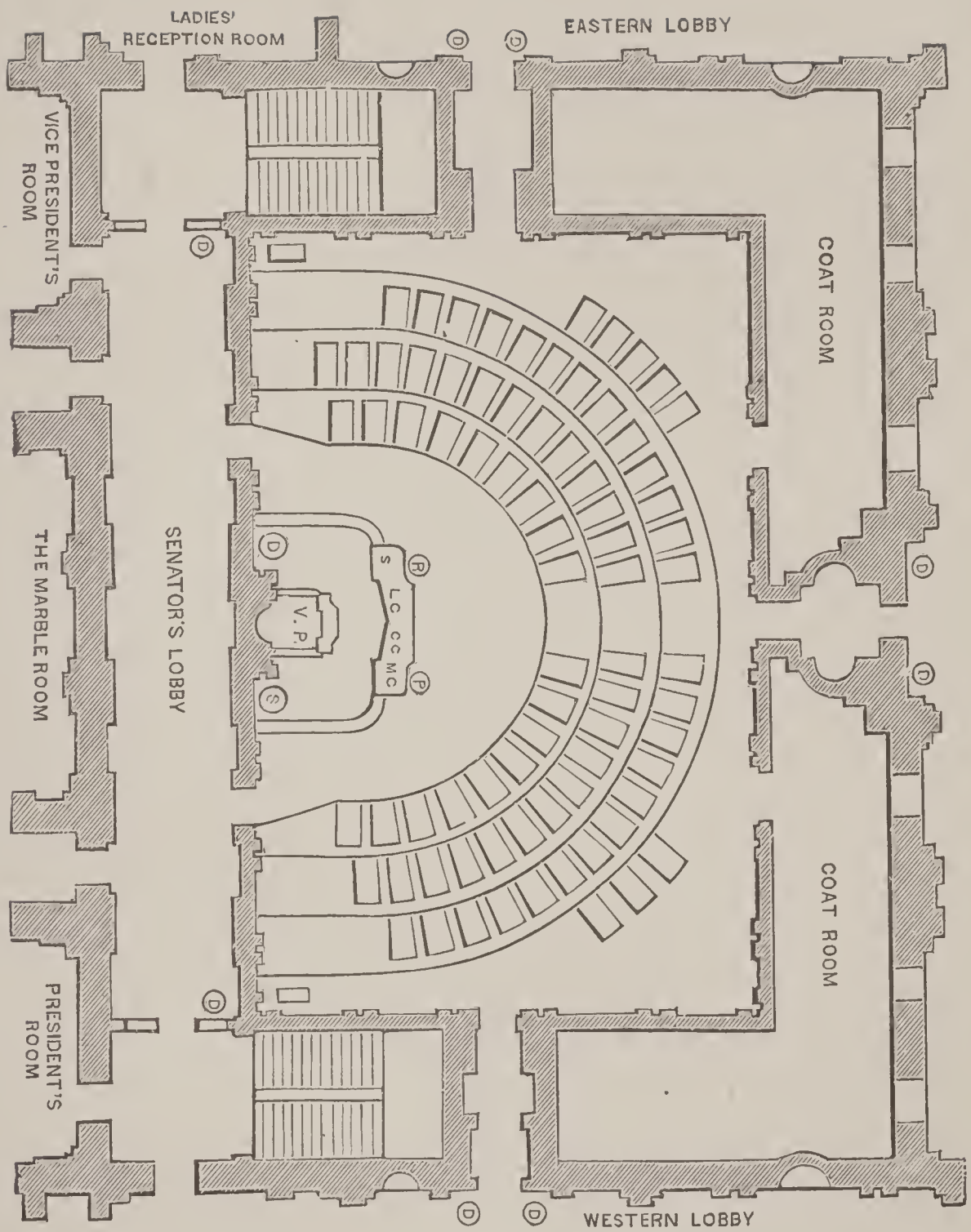
This clause contains four distinct provisions: —

1. There shall be two senators from each state.
2. They shall be chosen by the legislature of the state.
3. They shall be chosen for the term of six years
4. Each senator shall have one vote.

Senators: how chosen. — In regard to the mode in which the legislatures are to choose the senators, the Constitution is silent.

By an act of Congress passed July 25, 1866, it is provided that when the legislature of any state is to elect a senator in Congress, it shall proceed to the election of such senator on the second Tuesday after the organization of the legislature; and the election shall be conducted as follows: —

Each house shall, by a *viva voce* vote, name a person for senator, and the name of the person who receives a majority vote shall be entered in



THE SENATE CHAMBER, WASHINGTON.

the journal of the house. If the house fails to give such a majority to any person, that fact shall be entered on the journal. On the next day at twelve o'clock the members of the two houses shall convene in joint assembly, and the journal of each house shall be read, and if the same person has received a majority of all the votes in each house, he shall be declared fully elected senator. If no one has such a majority, the joint assembly shall choose, by a *viva voce* vote of each member present, a person for senator. The person having a majority of all the votes of the joint assembly shall be declared elected. If there is no election that day, the joint assembly shall meet at twelve o'clock on each succeeding day, and shall take at least one vote each day until a senator is elected.

The senators are divided into three classes, and, as they are chosen for six years, one-third of the whole number is chosen every second year. The representatives are chosen for two years, which is the length of time covered by one Congress. Whenever a new Congress convenes, one-third of the senators are either new members, or have been re-elected for a new term. It will be observed, that as one-third of the senators go out of office every two years, the Senate is a continuous body; while the members of the

House are all swept off at once, and a new election brings in a new House every second year.

Qualifications. — The qualifications of the senator are three : —

1. He must be at least thirty years of age.
2. He must have been nine years a citizen of the United States.
3. He must, when elected, be an inhabitant of the state in which he is chosen.

Presiding Officer. — It will be seen farther on, that the executive officer of the United States is the President. The Vice-President is chosen for the purpose of taking the place of the President when a vacancy in that office occurs; but unless some other duties were placed upon him, the Vice-President would have nothing to do so long as the President held his office; hence the convention determined to make him presiding officer of the Senate, which is done in the following clause : —

“The Vice-President of the United States shall be president of the Senate, but shall have no vote unless they be equally divided.”

The speaker of the House is a member of the House; but as the equality of the states is preserved in the Senate, it would seem best to select the presiding officer from outside that body.

The Vice-President would be likely to be less partial as a presiding officer than a senator would be, since he is elected by the whole country and not by a single state.

Officers of the Senate.— The Senate shall choose their officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States. The officers of the Senate are :—

- | | |
|---------------------|----------------------|
| 1. The Secretary. | 4. Sergeant-at-arms. |
| 2. Chief Clerk. | 5. Door-keeper. |
| 3. Executive Clerk. | 6. Chaplain. |

The Trial of Impeachments.— When the Senate is to try an impeachment, it sits as a court, and every senator must be on oath or affirmation.

“When the President of the United States is tried the chief-justice shall preside, and no person shall be convicted without the concurrence of two-thirds of the members present.

“Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.”

SECTION IV.—PROVISIONS RELATING TO BOTH
HOUSES OF CONGRESS.

Sessions of Congress. —

“The Congress shall assemble at least once in every year and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.”

Although the new Congress comes into existence on the fourth of March in each odd year, yet the first regular session will begin on the first Monday of December following. This first session may hold through an entire year, but if the business be completed Congress may adjourn at any time during the year. The second regular session begins on the first Monday of December following, and must close by the fourth of the next March, at which time the new Congress comes into existence.

“Each house is the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business.”

Each house also determines, —

“The rules of its proceedings, punishes its members for disorderly behavior and with the concurrence of two-thirds may expel a member.”

Salary of Senators and Representatives. —

The senators and representatives are paid out of the treasury of the United States. Congress has, from time to time, increased the compensation of its members from six dollars a day in the House, and seven dollars a day in the Senate, until, by a law passed in 1874, the compensation of each representative and each senator was fixed at five thousand dollars per annum. The pay of the Speaker of the House and of the Vice-President, or if there is none, the President of the Senate *pro tempore*, is eight thousand dollars per annum. In addition to his salary every member of either house is allowed mileage, in coming and going between his home and Congress, twenty cents per mile for every mile of travel by the usual route.

“All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.”

This clause is adopted from the custom of the British Parliament. There, revenue bills must originate in the House of Commons. There is very little necessity in our present circumstances for this restriction. Raising revenue is understood to be confined to levying taxes. It is the custom for the Senate to originate bills which

imply the raising of money, or which will require the raising of money, as for example, bills to establish post-offices, the mint, to regulate the sale of public land, etc.

SECTION V. — THE POWERS OF CONGRESS.

We come now to the consideration of the powers vested by the Constitution in the Congress. It should be remembered that when the Constitution was framed, the controversy was sharp and spirited between those who favored bestowing large powers upon the national government, and those who, fearing that evils would result from such a course, were strenuous in their belief that large powers should be retained by the governments and the people of the several states. In consequence of this controversy, the Constitution defines somewhat minutely special subjects upon which Congress shall have power to legislate. It does not, however, contain an exhaustive enumeration of the powers of Congress, and does not mean that Congress shall not legislate on any subjects not here enumerated. This is evident from the fact that power is given to Congress

“To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in

the government of the United States, or in any department, or officer thereof."

Elsewhere, the Constitution requires of Congress the exercise of powers not particularly mentioned; and in different places it implies that Congress must do certain things, which are not expressly provided for in the section specifying its particular powers.

The Constitution expressly enumerates the following powers:—

The Congress has power

"To lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States."

This gives to Congress the power to levy taxes for three purposes:—

1. To pay the public debt.
2. To provide for the common defence.
3. To provide for the general welfare.

The general government may levy a tax in three ways:—

1. A direct tax upon persons, which may be either a poll tax or a property tax.
2. An indirect tax upon goods imported into the country from abroad.

3. An indirect tax upon goods manufactured and used here.

Previous to the civil war a direct tax had been laid but four times—in 1798, 1813, 1815, 1816. These taxes were levied upon lands, houses, and slaves. To pay the debt incurred in the civil war, direct taxes were again levied in 1861 and subsequently.

Duties on Imports.—This government, during most of its existence, has been committed to the policy of laying duties on goods manufactured abroad and imported into this country. These duties on imports are of two kinds:—

1. Specific duties.
2. *Ad valorem* duties.

A specific duty is a tax levied on goods by weight, measure, or bulk; as, for example, a duty of fifty cents a yard on broadcloth, one dollar a ton on iron, or twenty cents a gallon on molasses.

An *ad valorem* duty is levied according to the value or cost of the goods, as, ten per cent on iron, fifty per cent on the cost of brandy. These duties are collected under the direction of the treasury department.

Naturalization.—Another power committed to Congress is, “to establish a uniform rule of naturalization.”

Naturalization is an act by which a foreigner, called an alien, becomes a citizen of the United States. Under the confederation, each state passed laws naturalizing aliens.

It is to be noticed that there has been a constant growth of national power. At first the several states were unwilling to give up their power to the federal government. Through the whole history of the nation, the dividing line between political parties has been upon this principle. One party has favored large state rights, and a minimum national power. The other party has advocated a strong national power. Here is an illustration: The laws upon the subject of naturalization, and the qualifications requisite in the different states were so various, that confusion and controversy resulted. To remedy these evils the Constitution gives Congress full power over the subject of naturalization, so that the laws shall be uniform throughout all the states. An alien coming to this country from a foreign land must make application for citizenship; this is called his "declaration of intention." This declaration must be made at least two years before he can receive his naturalization papers. In this declaration he must declare on oath or affirmation that it is his intention to become a citizen of the United States, and to renounce all allegiance

to the government of which he is at the time or has been a subject.

Before he can receive his naturalization papers he must have resided in this country at least five years. There is one exception to this law. By an act passed in 1862, a soldier of the age of twenty-one years and upward, regularly discharged from the army of the United States, may be admitted to citizenship without a previous declaration of intention and with a single year's residence. The children of a naturalized foreigner, who are under twenty-one years of age, residing in this country at the time the father received his naturalization papers, are considered citizens. The children of a citizen, who are born abroad, are citizens of the United States.

When foreign territory has been incorporated into the Union, by treaty or otherwise, Congress has exercised the power of granting naturalization without previous residence. When territory is annexed to this country, the President and Senate have naturalized the inhabitants of such territory *en masse*.

Bankruptcies. — The Congress also has power to make "uniform laws on the subject of bankruptcies throughout the United States."

In England, the term *bankrupt* is generally limited to traders who fail to pay their debts,

while the word *insolvent* was applied to those not paying their debts who were not engaged in trade. The general usage, however, in the United States, has been to make the words *bankrupt* and *insolvent* synonymous. In reality, a person is insolvent when he cannot pay his debts. He becomes a bankrupt by legal proceedings under a bankrupt law. Congress has exercised this power to pass uniform laws on bankruptcies at three different times. The first bankrupt law was passed in 1800, and repealed three years later. The second was passed in 1841, and repealed within two years. The third was in effect from 1867 to 1878. No national bankrupt laws are in force now. It is held that if Congress does not exercise its power to pass a bankrupt law, the several states can do so. The state laws are usually termed insolvent laws.

Coin Money. — The Congress has power, —

“To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.”

An Act of Congress passed in 1873 provided for the following coins: —

1. Gold: The dollar piece; the two-dollar-and-a-half piece, or quarter-eagle; the three-dollar piece; the five-dollar piece, or half-eagle; the ten-dollar piece, or eagle; and the twenty-dollar piece, or double-eagle. The gold dollar and the three-dollar piece are no longer coined.

2. Silver: The dollar, half-dollar, quarter-dollar, and dime.

3. The "minor coins" are the five-cent piece and three-cent piece and one-cent piece. Two-cent and three-cent pieces are not now coined.

Weights and Measures.— This clause gives to Congress power "to fix the standard of weights and measures." It is proper that the standard of weights and measures should be connected with money. The price or value of any commodity is fixed in money terms; but this commodity is either weighed or measured, and, therefore, the power which coins the money should fix the standard of weights and measures. Our weights and our measures have come to us through the ancient usages of Great Britain. It appears strange that the world should not have earlier established a uniform system. That *twelve* inches should make a foot, and *three* feet a yard, and that *five and a half* of this denomination should make a rod, and that *forty* of this is called a furlong, and that *eight* furlongs are a mile, is not complimentary to the civilization of our ancestors.

We made a great gain when this government established our coins on the decimal system: ten cents make a dime, and ten dimes a dollar, and ten dollars an eagle. It will be a greater gain

when the metric system for all weights and measures shall have come into universal use. The metric system has been legalized by an act of Congress; but it is to be feared that the day is somewhat distant when it shall have come into general use in this country.

Various Powers. — Congress has power, —

- “To provide for the punishment of counterfeiting the securities and current coin of the United States.
- “To establish post-offices and post-roads.”

Congress has power to grant copy rights to authors and patent rights to inventors.

- “To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.
- “To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.
- “To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.
- “To make rules for the government and regulation of the land and naval forces.”

“The Sweeping Clause.” — The final clause, enumerating the powers conferred by the Constitution upon Congress, reads as follows: —

- “To make all laws which shall be necessary and proper for carrying into execution the foregoing powers,

and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

This clause is what Patrick Henry called "the sweeping clause," by which, as he thought, Congress was to overthrow the states. Great opposition to this clause was manifested by the state-rights party during the time in which the Constitution was under discussion by the people and by state conventions prior to its adoption.

Nothing is plainer than that the government has under this Constitution full national powers, and is limited only by the restrictions imposed by the Constitution itself. Judge Story says: "It would be almost impracticable, if it were not useless, to enumerate the various instances in which Congress, in the progress of the government, has made use of incidental and implied means to execute its powers. They are almost infinitely varied in their ramifications and details."

Chief-Justice Marshall says: "A power vested carries with it all those incidental powers which are necessary to its complete and efficient execution."

This principle has been acted upon by the general government from 1789 to the present day.

SECTION VI. — RESTRICTIONS UPON THE NATIONAL GOVERNMENT.

The Constitution provides, that the slave trade could be prohibited by the Congress after the year 1808. At that time a law of Congress went into effect imposing heavy penalties upon persons engaged in the slave trade. In 1820 the slave trade was declared to be "piracy," to be punished with death.

Since the late civil war, our nation has happily been freed from the incubus of human slavery.

The Constitution expressly prohibits any *ex post facto* law and any bill of attainder.

It is also provided that direct taxes levied by the national government shall be in proportion to the population, and that no title of nobility shall be granted by the United States, and also that "No money shall be drawn from the treasury but in consequence of appropriations made by law."

RESTRICTIONS UPON THE STATES.

It may also be stated just here that the Constitution places the following restrictions upon the several states: —

1. No state shall enter into any treaty, alliance, or confederation.

2. Grant letters of marque and reprisal.
3. Coin money.
4. Emit bills of credit.
5. Make anything but gold and silver coin a tender in payment of debts.
6. Pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts.
7. Or grant any title of nobility.

NOTE. — *Who can Vote.* On page 77 it is stated, "Each state prescribes by law how the members of the state legislature shall be elected, and who shall have power to vote for such members."

Every state, either by its Constitution or its statutes, prescribes the limit of suffrage. In general, this limit has heretofore been what is called "manhood suffrage"; *i.e.* every male citizen, twenty-one years old, not a pauper or an idiot, could vote. Within a few years many states have extended the privilege of suffrage to women. The state of Wyoming gives the same political rights to women as to men. In Kansas women have municipal suffrage, and also, in unincorporated towns, the right to vote on the question of liquor licenses. In twenty-three states women have the right (more or less restricted in some states) to hold office in connection with the management of public schools. Twenty states have conferred upon woman power to vote for school officers. In fifteen of these states a woman can both vote upon school questions and hold office. These fifteen states are as follows: Colorado, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Dakota, South Dakota, Idaho, Montana, Vermont, Washington, Wisconsin, Wyoming.

The additional states giving women the right to vote upon school questions are the following: Indiana, Kansas, Kentucky, Nebraska, Oregon.

Those additional where women can hold office are the following: California, Connecticut, Illinois, Iowa, Louisiana, Maine, Pennsylvania, Rhode Island.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR
REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What are the purposes of the Constitution?
2. Describe the growth of the national element.
3. What advantages from having two houses of Congress?
4. How are the representatives to Congress chosen?
5. Qualifications.
6. Number of representatives.
7. Territorial delegates — how many? What for?
8. Officers of the House — what are they and how chosen?
9. Who is liable to impeachment, and how is impeachment brought about?
10. Senators — how chosen?
11. Qualifications of senators.
12. Presiding officer in Senate and other officers.
13. The trial of impeachments — how carried on?
14. What is meant by a “session” of Congress?
15. What is meant by a “Congress”?
16. Are the salaries of senators and members of Congress the same? Why should they be?
17. Tell us all about “national taxes.”
18. Meaning of *ad valorem* and *specific*.
19. Describe the process for becoming naturalized.
20. Discriminate the meaning of the words “bankrupt” and “insolvent.”
21. What was Patrick Henry’s objection to the “sweeping clause”?
22. Name some restrictions upon Congress. Where are they found in the Constitution? Read in full the section.
23. Name the restrictions here placed upon the several states. What section and article in the Constitution is this?

BLACKBOARD OUTLINE.



THE EXECUTIVE DEPARTMENT.

The President.		The Vice-President.
How Elected.		

PRESIDENTIAL ELECTORS.

How many.		Vote when.
How elected.		Votes counted when.
When elected.		President inaugurated when



President's Qualifications.		Presidential Succession.
President's Duties.		Executive Departments.

CHAPTER II.

THE EXECUTIVE DEPARTMENT.

IN the natural order of things, we have considered, first the legislative department of our national government. We now proceed to examine the second great department, the executive power. This is treated of under the second article of the Constitution which begins as follows :—

“The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows :”

By this clause we observe that, —

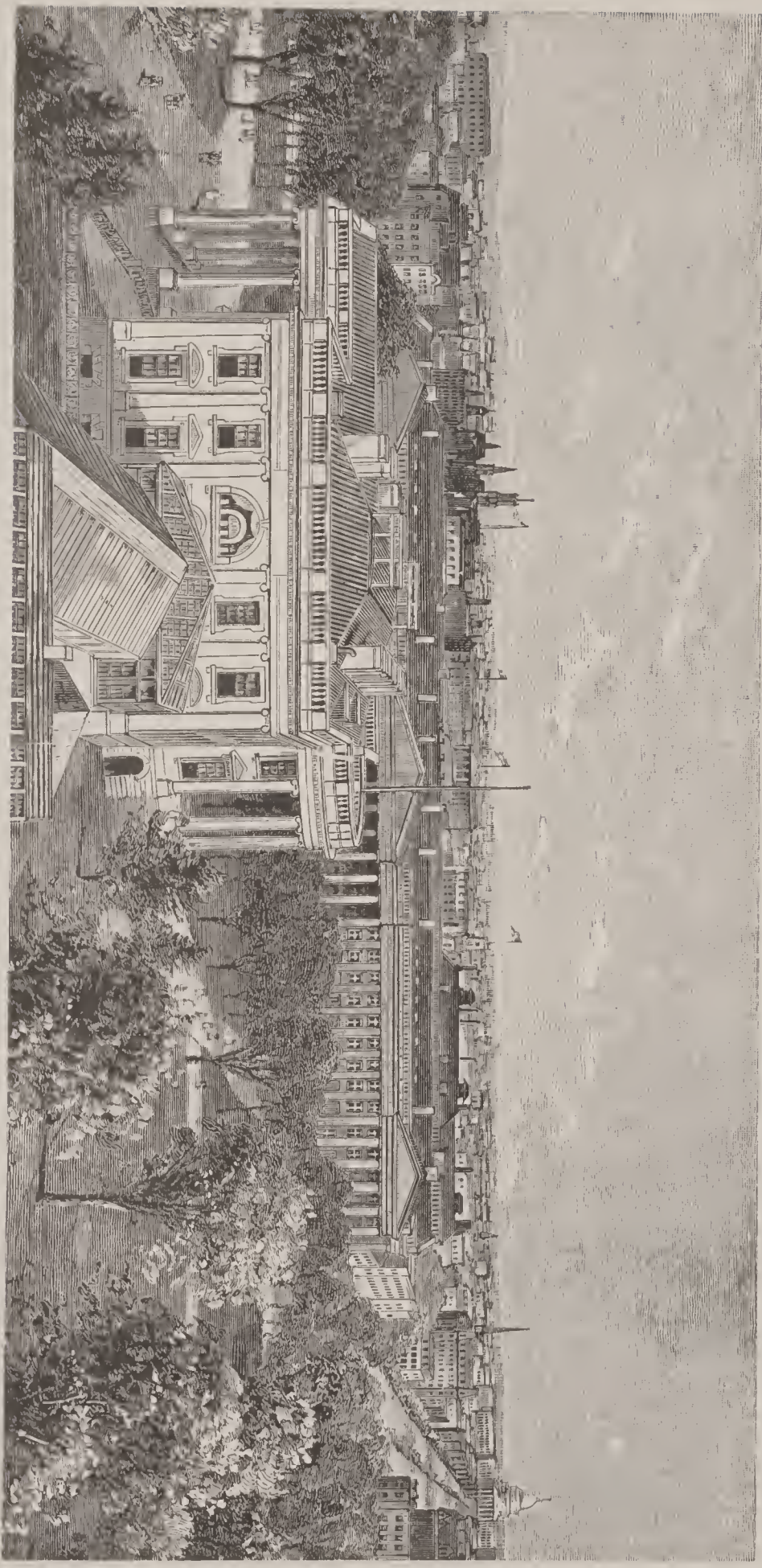
1. The executive power is vested in one person.
2. He is elected for the term of four years.
3. The Vice-President is elected for the same term.

The following is the list of the Presidents, with their terms of office :—

1. George Washington, two terms, 1789 to 1797.
2. John Adams, one term, 1797 to 1801.
3. Thomas Jefferson, two terms, 1801 to 1809.
4. James Madison, two terms, 1809 to 1817.

5. James Monroe, two terms, 1817 to 1825.
6. John Quincy Adams, one term, 1825 to 1829.
7. Andrew Jackson, two terms, 1829 to 1837.
8. Martin Van Buren, one term, 1837 to 1841.
9. William Henry Harrison, one month, 1841.
10. John Tyler, three years and eleven months, 1841 to 1845.
11. James K. Polk, one term, 1845 to 1849.
12. Zachary Taylor, one year and four months, 1849 to 1850.
13. Millard Fillmore, two years and eight months, 1850 to 1853.
14. Franklin Pierce, one term, 1853 to 1857.
15. James Buchanan, one term, 1857 to 1861.
16. Abraham Lincoln, four years and one month, 1861 to 1865.
17. Andrew Johnson, three years and eleven months, 1865 to 1869.
18. Ulysses S. Grant, two terms, 1869 to 1877.
19. Rutherford B. Hayes, one term, 1877 to 1881.
20. James A. Garfield, four months, 1881.
21. Chester A. Arthur, three years and eight months, 1881 to 1885.
22. Grover Cleveland, one term, from 1885 to 1889.
23. Benjamin Harrison, one term, from 1889 to 1893.
24. Grover Cleveland, from 1893 to —

It will be seen by the above table that we have had twenty-two Presidents in our first full century. Of these, seven have been elected for a second term. Four Vice-Presidents have succeeded to the presidency by the death of the President.



THE EXECUTIVE MANSION.

THE TREASURY BUILDING

THE CAPITOL.

A VIEW IN WASHINGTON.

Presidential Electors. — The Constitution says that, —

“Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the state may be entitled in the Congress ; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.”

The several points embodied in this clause are as follows : —

1. The President is appointed by electors, and not by the immediate vote of the people.
2. The number of electors in each state.
3. Any person holding a United States office is prohibited from being an elector.

It was thought by the framers of the Constitution, that, if the direct choice of the President was taken from the people, and placed in the hands of electors chosen by the people, who would unquestionably be selected from the ablest and most trustworthy men of the nation, a wiser choice of President would be insured than if the people of the whole country were to vote directly for this officer. It was evidently the thought of the framers of the Constitution, that, after the electors had been appointed, they should meet and discuss the question and then determine for

whom their votes should be cast. The result, however, has proved that the election of President is not left in the hands of the electors, but is, in reality, determined by the people when they elect the presidential electors.

According to the custom which now prevails, the electors are practically pledged beforehand to vote for a certain candidate, who has been previously nominated in a national convention of a political party. The electors therefore exercise no discretion in their vote.

Number of Electors. — The number of electors is determined by the Constitution.

1. In the first place, each state is entitled to two electors corresponding to the equality of the states in the Senate.

2. In addition to these two, the number of electors to which each state is entitled, is fixed in accordance with the population of the state. We have seen that Congress determines once in ten years the number of representatives to which each state is entitled in the Congress. Each state is then entitled to as many electors as it has representatives in Congress. The whole number of electors therefore for each state is equal to the whole number of representatives and senators which that state sends to the Congress.

Time of choosing Electors.—The day for choosing the electors was fixed by an act of Congress, passed in 1845, as the Tuesday next after the first Monday in November. All the states choose their electors on the same day. The legislature of each state directs the manner in which these electors shall be elected. There have been heretofore four different modes of electing the electors:—

1. By joint ballot of the state legislatures.
2. By a concurrent vote of the two branches of the legislature.
3. By the popular vote of the state on one joint ticket.
4. By the people voting in districts.

The method now adopted by all the states is that of the people of the whole state voting by general ticket. By this method the vote of no state is divided, but the entire state vote is counted for the electoral college as nominated by one party or another.

Electors Vote.—In accordance with an act passed by Congress, February 3d, 1887, the electors meet in their respective states on the second Monday in January, to give their votes for President and Vice-President.

The electors give separate votes for the President and Vice-President by ballot. They then make three certificates of all the votes given.

These certificates they must sign and seal, and certify on each certificate that there is contained within a list of the votes of the electors of such a state (naming it), for President and Vice-President. One of these certificates is delivered to the judge of the United States District Court for that district in which the electors are assembled. A second certificate is forwarded forthwith, by mail, to Washington, directed to the President of the Senate. The electors appoint a person as special messenger to take the third certificate, carry it to Washington and deliver it to the President of the Senate. This special messenger is paid a sum fixed by law, on the mileage principle. The three certificates of the election of these electors are transmitted with the certificates of their votes.

Votes Counted. — The votes for President and Vice-President are counted on the second Wednesday of February in the hall of the House of Representatives in presence of both houses of Congress, the President of the Senate presiding. On that day the Senate marches in a body from the senate chamber to the other wing of the Capitol, and enters the hall of the House, the members of the House standing to receive them. All being seated, the President of the Senate opens the certificates in the presence of the two

houses, and hands them to the tellers, previously appointed by the two houses respectively, who count the votes, state by state, in alphabetical order, beginning with the letter A, and each vote, together with the aggregate vote, is declared by the presiding officer. This method gives dignity and insures fairness in the proceeding.

Election by the House. — In case no person receives a majority of the votes cast by the electors for President, the choice of a President is referred to the House of Representatives. The House must immediately proceed to the election of President, and the members are restricted in their votes to the three highest candidates in the vote by the electors. In thus voting for the President, the vote must be taken by states, the representatives from each state having one vote. The vote cannot be taken except a quorum shall be present, and this quorum is determined by the Constitution to be one or more representatives present from two-thirds of the states. It is possible that the House might be so divided as to be unable to elect any one of these three highest candidates. The Constitution provides for this emergency. The House must continue voting until the fourth day of March, when the session and the Congress expires. In case they make no choice prior to that date, then the Constitution

provides, that “ The Vice-President shall act as President, as in the case of death, or other constitutional disability of the President.”

Vice-President elected by the Senate. — If there is no election of Vice-President by the electors, the Senate, immediately after the vote has been counted, — that is, on the second Wednesday in February, — proceeds to choose a Vice-President. There must be a quorum present for this purpose; and the Constitution fixes that quorum as two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. The senators must choose the Vice-President from the two highest numbers on the list voted for by the electors.

As the Vice-President may become President, the Constitution wisely provides that, —

“No person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.”

Qualifications. — The qualifications for President are as follows: —

1. He must be a native-born citizen.
2. He must have attained to the age of thirty-five years.
3. He must have been for fourteen years a resident within the United States.

No other qualifications than these three are fixed by the Constitution. The qualifications for the Vice-President are the same as for the President.

Observe the qualifications requisite for representatives to Congress, for senators, and for the President and Vice-President.

1. A representative must be twenty-five years of age ; a senator, thirty ; and a President or Vice-President, thirty-five.

2. A representative must have been a citizen of the United States seven years ; a senator, nine years ; and a President or Vice-President must be native born.

3. A representative must be an inhabitant of the state for which he is chosen ; a senator the same ; and a President must have resided within the United States fourteen years.

The Vice-President. — So long as the President performs the duties of his office, the Vice-President has no connection with the executive department, but is merely President of the Senate. In the case of the removal, resignation, or inability of the President, the Vice-President becomes President for the remainder of the presidential term.

The Vice-President has filled the presidential chair in four instances : —

1. After the death of President Harrison, Vice-President John Tyler filled the office of President from 1841 to 1845.

2. On the death of President Taylor, Millard Fillmore was President from 1850 to 1853.

3. Andrew Johnson, after the death of Abraham Lincoln, was President from 1865 to 1869.

4. Chester A. Arthur succeeded to the presidency on the death of President Garfield, and held that office from 1881 to 1885.

No Vice-President who had become President has died during his term of office. Congress has, however, by a law passed January, 1886, provided that in case of the removal, death, resignation, or inability of both the President and Vice-President of the United States, the Secretary of State, if there be one, shall become President, and hold the office during the remainder of the presidential term of four years; and in case there is no Secretary of State, or in case of his removal, death, resignation, or inability, then the Secretary of the Treasury, and next in order the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, and the Secretary of the Interior.

If either of the foregoing officers does not have the three qualifications requisite for a President, he is not eligible to fill the vacancy, and the next officer in order who is eligible would become President for the remainder of the the term.

Salary. — The salary of the President was originally fixed at twenty-five thousand dollars a year. Since 1873 it has been fifty thousand dollars a year. The salary of the Vice-President is eight thousand dollars a year.

The Powers of the President. —

1. “The President shall be commander-in-chief of the army and navy of the United States and of the militia of the several states when called into actual service of the United States.”

2. “He shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.”

3. He makes treaties with foreign nations with the advice and consent of the Senate.

4. He appoints “ambassadors, foreign ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein provided for, and which shall be established by law.”

5. He has power to make temporary appointments of officers of the United States when vacancies happen during the recess of the Senate.

Impeachment. — “The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.”

Executive Departments. — The executive business of the government is divided among eight executive departments as follows: —

1. The Department of State.
2. The Department of the Treasury.
3. The Department of War.
4. The Department of the Navy.
5. The Department of the Post-Office.
6. The Department of the Interior.
7. The Department of Justice.
8. The Department of Agriculture.

The Constitution places the full executive power in the hands of one man, the President. It makes no provision for the Cabinet; but it gives the President authority to “require the opinion in writing of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices.” This implies that executive departments will be established so that the various and multiform duties pertaining to the executive work of the national government may be efficiently and systematically performed. The eight departments just mentioned have been established by Congress, and several of them have been subdivided into bureaus. The heads of all these departments are appointed by the President, by and with the advice and consent of the Senate.

The salaries of these officers are eight thousand dollars each per annum.

The Department of State. — Originally this was styled the Department of Foreign Affairs. The Secretary of State is generally considered the highest officer in rank of the executive departments under the President. It is his duty to keep the seal of the United States, and to affix it to all commissions granted by the President. He issues all proclamations in the name of the President, and furnishes copies of papers and records of his office when required.

He keeps the correspondence with foreign powers and preserves the original of all laws, public documents and treaties with foreign nations. It is his duty to conduct the correspondence with our ministers and consuls to other countries, with foreign ministers accredited to our government, and in general he has charge of matters pertaining to our foreign relations. He issues passports to our citizens visiting foreign countries, and warrants for the extradition of criminals to be delivered up to foreign governments.

The Department of State has a diplomatic bureau, a consular bureau and a domestic bureau.

Public Ministers and Consuls. — All persons who are sent abroad to represent our government are connected with the Department of State.

The different ranks of our ministers are as follows:—

- | | |
|--|--|
| 1. Ambassadors. | 3. Ministers Resident. |
| 2. Envoys Extraordinary
and Ministers Plenipoten-
tiary. | 4. <i>Chargés d’Affaires</i> .
5. Secretaries of Lega-
tion. |

The Ambassador and the Envoy Extraordinary, and Ministers Plenipotentiary have the same pay and appear to be of the same rank. Ambassadors are sent to such foreign governments as are represented in the United States by an ambassador. At present, our representatives in Great Britain, Germany, Italy, and France are styled ambassadors. The salaries of our foreign ministers range from five thousand dollars to seventeen thousand five hundred dollars a year.

Chargés d’Affaires receive five thousand dollars each. The Secretary of Legation is the clerk to the Foreign Embassy. Consuls are not diplomatic agents of our government, but are commercial agents residing abroad, whose duty it is to watch over the interests of our commerce and of our citizens, in the ports of the different countries. They are charged also with protecting the rights of our seamen. The salaries of Consuls-General and commercial agents range from one thousand dollars to six thousand dollars per annum. Many consuls are paid principally by fees.



THE NEW STATE, WAR, AND NAVY BUILDING.

The Treasury Department. — Of late years the importance of this department has gradually increased. During the Civil War the government issued bank bills, termed “greenbacks,” and established a system of national banks, which have increased materially the number of officers and employees in this department. Under the Secretary of the Treasury are the following officers : —

1. The Comptroller.
2. Auditor.
3. Treasurer.
4. Register.
5. Assistant Secretary.

This department has charge of the revenue, superintends its collection, grants warrants for money to be issued from the treasury, in pursuance of appropriations made by law, and generally performs all needful services relative to the finances of our country. In the Treasury Department are the following bureaus : —

1. The Bureau of the First Comptroller.
2. The Bureau of the Second Comptroller.
3. The Bureau of the First Auditor.
4. The Bureau of the Second Auditor.
5. The Bureau of the Third Auditor.
6. The Bureau of the Fourth Auditor.
7. The Bureau of the Fifth Auditor.
8. The Bureau of the Sixth Auditor.

9. Treasurer.
10. Register.
11. Commissioner of Customs.
12. Comptroller of Currency.
13. Commissioner of Internal Revenue.
14. Bureau of Statistics.
15. The Mint.
16. Bureau of Engraving and Printing.

Coast Survey. — The office of the Coast Survey is connected with the Treasury Department. This office prepares charts from actual surveys of the seacoast of the United States. The surveys of the Great Lakes are under the control of the War Department.

Light-Houses. — The light-houses of the United States were formerly under the control of the Treasury Department, but for nearly forty years past have been committed "to the Light-House Board of the United States." This board consists of three officers of the army, three of the navy, and two civilians noted for their scientific attainments, with the Secretary of the Treasury president of the board *ex officio*. This board has in charge between one thousand and two thousand light-houses, besides light-vessels, beacons and buoys innumerable.

Under this department also is the Supervising Architect, who has general charge of the plans and construction of all United States buildings,

such as custom-houses, court-houses, post-offices, etc.

The War Department. — This department has various subdivisions as follows: —

1. The Office of Adjutant-General.
2. The Office of the Quartermaster-General.
3. The Office of the Commissary-General.
4. The Office of the Paymaster-General.
5. The Office of the Chief of Engineers.
6. The Ordnance Office.
7. The Signal Office.
8. The Bureau of Military Justice.

The Bureau of Military Justice is in charge of an officer with the rank of a Brigadier-General, called a Judge-Advocate-General. Under this department is the United States Military Academy at West Point. This school was established for the education of officers for the army.

West Point. — The students are termed cadets, and number between three and four hundred. They are appointed as follows: One from each congressional district, one from each of the organized territories, one from the District of Columbia, and ten from the United States at large. These are all appointed by the President, but each member of the national House of Representatives nominates the candidate for his district. The President appoints the ten candidates

at large. Candidates for appointment must not be less than seventeen nor more than twenty-two years of age, and they are expected to serve in the army eight years, unless sooner discharged.

The examination for admission to West Point is careful and accurate upon the elements of a good education. In arithmetic, geography, English grammar, reading, writing, spelling, and the history of the United States, thoroughness and accuracy are required.

It has become customary of late for congressmen to hold competitive examinations, and to nominate for vacant positions at West Point those who have passed the best examinations in respect to mental qualifications and scholarship, with good physical health, strength, and development.

The superintendent and principal members of the faculty are regular officers in the army.

Each cadet receives an allowance during his term of study sufficient to pay his necessary expenses for clothing, board, etc. The entire expense of the academy is met by the United States government. Congress makes annually for this purpose an appropriation of three hundred thousand dollars or more.

The Department of the Navy. — This department is divided into eight bureaus, as follows:—

1. The Bureau of Yards and Docks.
2. The Bureau of Equipment and Recruiting.
3. The Bureau of Navigation.
4. The Bureau of Ordnance.
5. The Bureau of Medicine and Surgery.
6. The Bureau of Provisions and Clothing.
7. The Bureau of Steam Engineering.
8. The Bureau of Construction and Repairs.

Naval Academy. — Under the charge of this department is maintained, at Annapolis, Md., a naval academy similar to the military academy at West Point. To enter this academy as cadet-midshipman, the student must not be less than fifteen, nor more than twenty, years of age. The same number is allowed as at West Point, and by the same method of appointment. The course of study embraces six years, and the student on graduating becomes midshipman, subject to promotion as vacancies occur. This academy requires an annual appropriation from the government of two hundred thousand dollars or more.

The Department of the Post-Office. — Probably this is the oldest department under our government. Prior to the Revolution the British government had established a system of mails through these colonies, and Dr. Benjamin Franklin was the superintendent of this system. In July, 1775, only a month later than the battle of

Bunker Hill, Dr. Franklin received the appointment of Postmaster-General of the United Colonies.

In September, 1789, the first Congress under the Constitution made provision for the establishment of the post-office system, and appointed a Postmaster-General. There are four assistant postmasters-general. The first assistant is in charge of the Correspondence, the Money-Order System, and the Dead-Letter Office. To the second assistant is assigned the General Mail Service, the Contract Office, and the Railway Mail Service, which last is placed under the care of a General Superintendent. The third assistant is charged with the duties of the Finance Office, to which is attached the Division of Postage Stamps and Postal Cards. To the fourth assistant is assigned the Appointment Office.

There is also an "Assistant Attorney-General for the Post-Office Department," and an "Auditor for the Post-Office Department." Promptness and accuracy are needed in assorting mail-matter and preparing it for delivery. Especially is this true of the principal lines of railroads leading to large cities; for example, between New Haven and New York, or between Philadelphia and New York; and a large number of mail-agents are required in the mail-cars, whose business it is to assort the mail-matter, and deposit it

in proper pouches, carefully marked, so that on arrival at New York the matter can at once be placed in the proper boxes in the post-office and delivered with the least possible loss of time.

Distributing Offices. — Formerly, in all large cities, there was a distributing post-office. Into this department the mail-pouches had to be brought from all directions, which contained matter to be forwarded to distant points. All this matter had to be overhauled, arranged, and put into the proper pouches for further transportation; for example, at New York, mail-matter from New England, designed for the South and West, would be all poured out upon large tables, assorted, divided, and thrown into proper pockets for carrying to Philadelphia, Harrisburg, Baltimore, Washington, etc.; while at the same time, and at the same distributing office, would be received the mails from the South and West, to be overhauled in like manner, and forwarded to the East.

Much time was consumed by this frequent change and examination of mail-matter. Time has now become so important a factor in the transaction of business that every facility must be employed for the rapidity of transmission. Hence most of the distributing offices have been abolished, and mail-pouches are now made up in Boston, New York, Philadelphia, and all large

cities, to be forwarded through to the most distant points, like San Francisco, Portland, Montreal, and Quebec.

Cheap Postage. — Formerly, but within the recollection of persons now living, it cost five cents to transmit an ordinary letter to any post-office within thirty miles, ten cents for a longer distance, and from that up to twenty-five cents across the continent.

All postage was then paid by the receiver at the end of the route. Fifty years ago there was no prepayment of postage, and more than forty years ago a law was passed by Congress establishing the postage of a single letter at three cents for any distance within our country, provided the sender should pay the postage; if not prepaid, the postage should be five cents.

In this way people became accustomed to prepaying postage, so that after a few years another act was passed by Congress, requiring prepayment of postage on all letters, establishing the rate at three cents for an ordinary letter without regard to distance. At the present time the postage on letters not exceeding an ounce in weight is two cents to any part of our country, and including the British Provinces of North America.

Some years ago a postal league was entered

into by the principal civilized nations of the earth, establishing the uniform rate of five cents as the postage for all letters, of proper weight, from any one of the countries within the postal league to any other.

The experiment of cheap postage, which was first introduced into Great Britain, a generation or more ago, has proved entirely successful. In that country the contest for this improvement was severe and protracted. Rowland Hill and others devoted themselves with great energy to the philanthropic enterprise of bringing about this much-needed reform.

When the reduction of rates had proved successful in the mother country, it was quickly introduced by our government, and from time to time, as the rate of postage has been diminished, it has been found that the receipts of the Post-Office Department have increased. At the present time the Post-Office Department more than pays for itself, excepting in the more sparsely populated districts of some sections of our country.

The Department of the Interior. — This department was established in 1849. Under it are : —

1. The Patent Office.
2. The Pension Office.
3. The Land Office.

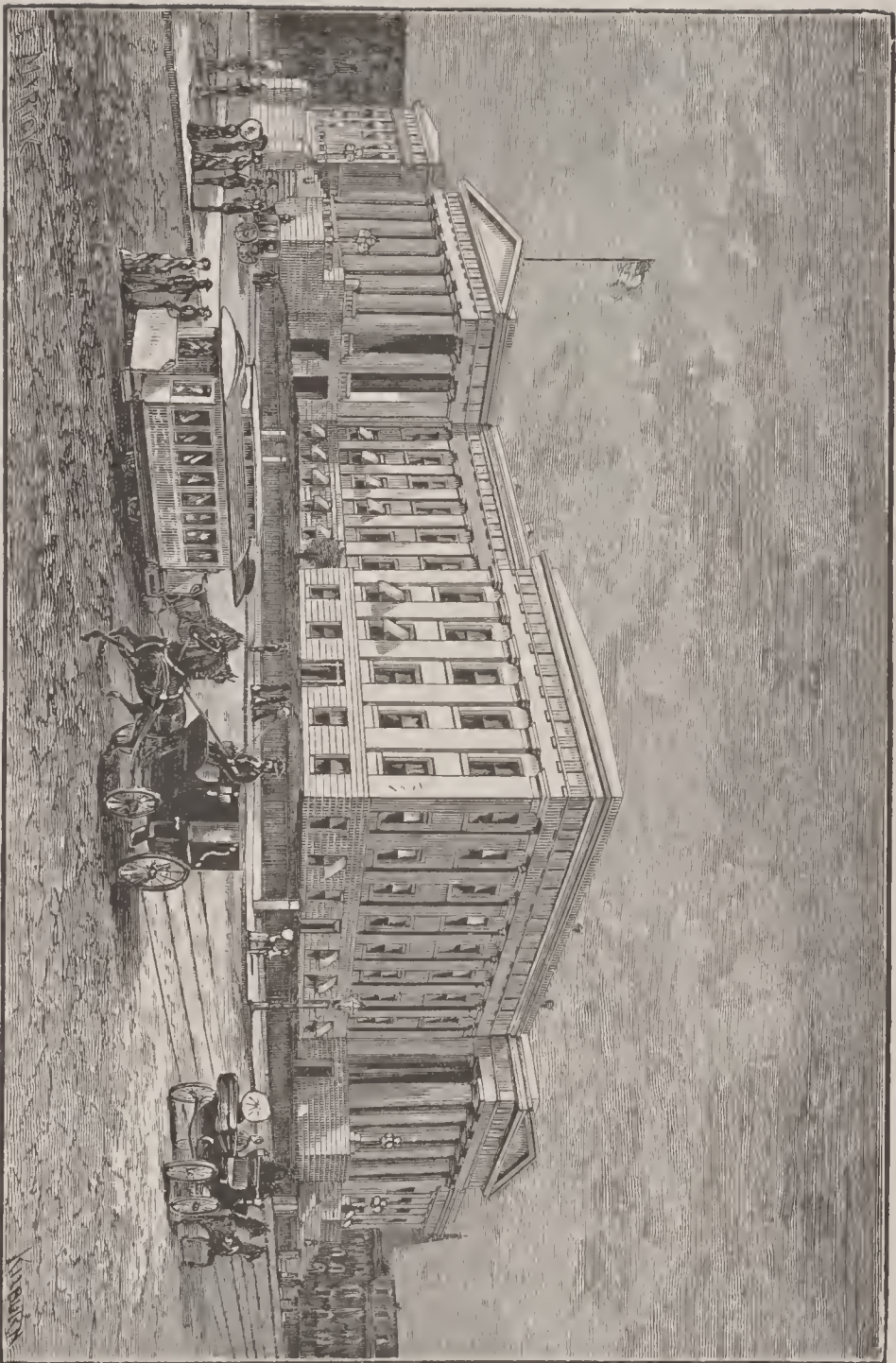
4. The Science Bureau.
5. The Bureau of Indian Affairs.
6. The Bureau of Education.

The business of the Patent Office is conducted under the direction and control of the Commissioner of Patents, who receives applications and superintends the granting and issuing of patents in accordance with the various acts of Congress passed at different times on this subject. The business of the office is to grant letters-patent to

“inventors or discoverers of any new or useful art, machine, manufacture or composition of matter, or any new and useful improvement on such, which had previously been unknown, and which had not been used by others, and which had not been on sale or in public use for more than two years prior to the application for a patent.”

The Patent Office employs many clerks called examiners, who investigate the claims of every invention for which a patent is solicited. The patent itself is the official document issued in the name of the United States, and is granted for the period of seventeen years. Its actual cost is thirty-five dollars.

Each article offered for sale by the patentee must have stamped upon it the word “patent” with the date when the patent was issued.



THE PATENT-OFFICE BUILDING.

The Pension Office.— Since the Civil War, this office has grown to gigantic proportions. It has in charge the entire matter of granting pensions and keeping the accounts thereof in accordance with the laws passed by Congress at different times upon this subject. The Pension Office in Washington is an immense building, filled with clerks who are constantly employed in keeping the records and attending to the accounts of pensions and pensioners. The business of this office has grown from year to year, and the amount of money disbursed by it has increased, until, at the present time, the aggregate amount of pensions paid is in the neighborhood of one hundred million dollars a year.

The Land Office.— The chief officer of this bureau is styled the Commissioner of the General Land Office. Under the commissioner are the following officers:—

1. Surveyors-General.
2. Registers of Land Offices.
3. Receivers of Land Offices.

Many years ago the United States adopted a system of survey for the public lands. This system provides that the immense tracts of western lands belonging to the United States government should be divided into ranges, townships, sec-

tions, and fractions of sections. The ranges are bounded by meridian lines six miles apart, and are numbered from a standard or principal meridian east and west. These ranges are divided into townships of six miles square, and numbered from a given parallel north and south.

The townships are divided into thirty-six sections, each one mile square, and hence embracing six hundred and forty acres. These sections are divided, as may be needed, into halves, quarters, eighths, and in some cases sixteenths. The sections in a township are numbered as indicated in the following diagram:—

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

This system of marking the division of lands makes the description of any individual tract very simple.

If one should purchase a section, the deed would specify the number of the section,—in such a township and such a range; or if a quarter-section were purchased, the description might be as follows:—

The northeast quarter of section twenty-four, township seventeen north, range nine east of third principal meridian. The government sells this land and issues a patent, which is signed by a secretary appointed by the President, and also signed by a proper recorder of the land office.

The quarter-section is one hundred and sixty acres. These quarter-sections are divided into lots of forty acres each. If one lot was sold, it would be indicated as follows:—

The northwest quarter of northeast quarter of section seventeen.

		<i>B</i>	<i>A</i>
		<i>C</i>	<i>D</i>

SECTION 17.

In the above diagram the description just given applies to lot B.

The Bureau of Indian Affairs. — This bureau, established in 1832, is in charge of a Commissioner of Indian Affairs, and has the management of all matters arising out of the relation of the government to the Indians. It cares for, pays to, or expends for, their benefit, all moneys due on account of lands ceded by Indians to the national government; looks after their interests in lands reserved; has begun the work of allotting and patenting a certain portion to each member of the tribe individually; preserves order upon Indian reservations through Indian police and Indian courts; employs agents, farmers, and mechanics to live among the Indians and teach them the occupations and customs of civilized life; assists the Indians in building houses, opening farms, and getting a start in civilization; and educates their children.

Indian Schools.—On Indian reservations are many day schools; but as a rule, Indian children are educated in industrial boarding schools. Most of these are on reservations; but the government supports also large schools off reservations among white communities, where the pupils have special opportunities for acquiring civilized habits and customs. In addition to these schools, which are wholly sustained by the government, the Indian Office makes contracts for the educa-

tion of Indian youth in various private or denominational schools. The work of the Indian Bureau, and especially of the Indian schools, is growing in importance and in public interest. Many think that all tribal relations should cease, and that the Indians should be treated as individuals, the same as all other races are treated.

The Bureau of Education. — This bureau was established by Congress nearly twenty-five years ago for the purpose of collecting statistics relating to educational matters in the different states and territories of the Union, and of promoting the progress of education throughout the nation. It is especially designed as a central medium of communication on educational subjects between the various states of the Union and between this country and foreign nations. It is placed in charge of an officer styled the United States Commissioner of Education. This bureau has proved itself of great educational value to the country.

The Department of Justice. — The office of Attorney-General was created by the first Congress in 1789, but the Department of Justice was not established until 1870. This officer, however, has always been recognized as a member of the Cabinet. Under the Attorney-General are: —

1. The Solicitor-General.
2. An Assistant Attorney-General.
3. An Assistant Attorney-General for the Court of Claims.
4. An Assistant Attorney-General in the Department of the Interior.
5. An Assistant Attorney-General in the Post-Office Department.
6. A Solicitor of Internal Revenue.
7. Naval Solicitor.
8. Examiner of Claims.
9. Solicitor of the Treasury.
10. An Assistant Solicitor.

All of these officers are appointed by the President and Senate. Besides these officers, in this department are employed many persons as clerks, copyists, etc.

Money and Banking. — We have already considered the coins of our country. Our money system is bi-metallic, both gold and silver coins being legal tender. The gold and silver coins are the ordinary and legitimate legal tender in payment of debts. This is customary among the nations generally.

The rapid growth of our country, with the corresponding increase of business and population, has made it impossible for us to secure a sufficient amount of coin to carry on the necessary business of the country. Moreover, bank bills are far

more convenient than either gold or silver for large business transactions.

Banks were early established under charters from the various states. This is not prohibited by the Constitution. Prior to the Civil War, the bank notes issued by the various state banks in all parts of the country amounted to a very large sum, and were an important aid in carrying forward the immense business of the country.

The exigencies of the times during the Civil War, especially the need for very large sums of money by the government to carry on the war, gave occasion for new legislation by the national government upon this subject.

In 1864 a bill was passed by Congress, providing for a bureau of currency in the Treasury Department under the direction of an officer called the Comptroller. This bill provides that national banks may be formed by voluntary associations, with power to issue bills, receive deposits, loan money, and perform the ordinary functions of banks.

A year or two later Congress passed another act, levying a tax of ten per cent upon all notes issued by state banks used for circulation after August 1, 1866. Practically, this, of course, excluded the bills of the state banks from circulation, so that nearly all of those banks throughout the

country either closed their business, or transferred it to national banks, which were formed to take the place of the old state banks.

Treasury Notes. — During the war the government issued a paper currency, usually denominated treasury notes, or, as they were called in common language, “greenbacks,” from the circumstance that the engraved back of the note was printed in green ink. The government made these greenbacks legal tender in payment of debts, and paid them out from time to time for army supplies, soldiers’ pay, and other current expenses.

Large amounts of these greenbacks continued to circulate throughout the country with a somewhat uncertain and fluctuating value until 1879, when the government began to redeem them in gold at par. Since then their circulation has been continued on a par value with gold and the national bank notes. The government, however, has redeemed and retired them to such an extent that the amount in circulation is now very small. It will thus be seen that the Treasury Department of government acts in some sense as a bank of issue. It does not loan the money as other banks do, but pays out its bills for current expenses.

The Constitution provides that the national

government shall absolutely control the coinage of money. It prohibits the states severally from making anything but gold and silver coin a legal tender in payment of debts, and now, by bringing into operation this system of national banks, which has proved so eminently successful, our federal government, as it would appear, has established the principle that all forms of money and currency should be under its control.

The Department of Agriculture. — This department was formerly a bureau under the Department of the Interior. By a recent Act of Congress, on account of its growing importance and the rapidly increasing value of its work, it has been made into a distinct department, under the direction of a chief officer styled the Secretary of Agriculture, who is a member of the President's Cabinet.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR
REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. Qualifications for President and Vice-President.
2. When are presidential electors elected?
3. Who can vote for presidential electors?
4. When do the presidential electors cast their votes?
5. When, where, and how are their votes counted?
6. When does the President take his seat, and what is the length of his term of office?
7. Describe the new law for the presidential succession.
8. Enumerate the powers and duties of the President.
9. What is the President's salary?
10. How are treaties made with foreign nations?
11. How do the qualifications for representative, senator, and President differ?
12. If there is no choice for the President by the vote of the electors, how is the President to be chosen?
13. If the electors make no choice for Vice-President, how is the Vice-President to be chosen?
14. How can a President be removed?
15. What officers constitute the President's Cabinet?
16. Write out in order the executive departments, and give the official title for the chief officer in these several departments.
17. Name the principal duties of the Secretary of State.
18. Give some account of our ministers to foreign governments.
19. Give a brief account of the Military Academy at West Point.
20. Of the Naval Academy at Annapolis.

21. Write an account of the national system of surveying and plotting public land.
22. Give some account of the Post-Office Department.
23. Of money and banking.
24. How is mail matter transported and distributed?
25. Give some account of the bureau of Indian affairs.
26. The Bureau of Education.
27. The Pension Office.

BLACKBOARD OUTLINE.



THE JUDICIAL DEPARTMENT.

- | | | |
|------------------------|--|-----------------------|
| 1. The Supreme Court. | | 2. The Circuit Court. |
| 3. The District Court. | | |

SPECIAL COURTS.

1. Court of Claims.
2. Supreme Court of the District of Columbia.
3. Supreme Courts in the Territories.
4. District Courts in the Territories.

CHAPTER III.

THE JUDICIAL DEPARTMENT.

THE Constitution provides that there shall be “one Supreme Court and such inferior courts as Congress may from time to time ordain and establish.” In accordance therewith, Congress has established the following system of United States courts: —

1. The Supreme Court.
2. The Circuit Court.
3. The District Court.¹

Besides these there are: —

1. Court of Claims, established in 1855.
2. Supreme Court of the District of Columbia.
3. Supreme Courts in the Territories.
4. District Courts in the Territories.

The Supreme Court at the present time consists of a Chief Justice and eight associate justices. These nine justices correspond to the number of circuits, and one of them is assigned to each circuit. There are nine Circuit Courts, with nine judges of these courts. Appeals from District and Circuit Courts shall be made to Circuit Court of Appeals or to Supreme Court, but no appeal can be made from the District to the Cir-

¹ In 1891 Congress established a new court, called the *Circuit Court of Appeals*, with circuits and judges corresponding to the Circuit Court.

cuit Courts. The Circuit Courts are presided over by a Circuit Judge, a District Judge, a Justice of the Supreme Court, or any two of them. These Circuit Courts are again divided into districts, every state having at least one District Court. Some of the larger states are divided into two or more districts.

The salaries of the judges of the District Courts are, at present, five thousand dollars each. The judges of the Circuit Courts receive a salary of six thousand dollars. The associate justices of the Supreme Court have a salary of ten thousand dollars; and the Chief Justice of this court receives ten thousand five hundred dollars.

Only certain kinds of cases can be brought before the United States courts. These courts have jurisdiction in the following cases: —

1. All cases in law and equity arising under the Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.
2. All cases affecting ambassadors, other public ministers, and consuls.
3. All cases of admiralty and maritime jurisdiction.
4. Controversies to which the United States shall be a party.
5. Controversies between two or more states.
6. Controversies between a state and the citizens of another state.
7. Controversies between citizens of different states.
8. Controversies between citizens of the same state, claiming lands under grants of different states.

9. Controversies between a state or the citizens thereof and foreign states, citizens, or subjects.

The judicial power of the United States is here extended to controversies between a state and citizens of another state. This clause gave much discussion at the time the Constitution was adopted, and the states were unwilling to be subjected to lawsuits brought in the federal courts by citizens of other states. Accordingly, an amendment to the Constitution was proposed, and on the 8th of January, 1798, the President announced to the Congress that the amendment had been adopted by three-fourths of the states, and was, therefore, a part of the Constitution. This constitutes the eleventh of the amendments, and is as follows: —

“The judicial power of the United States shall not be construed to extend to any suit in law, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.”

Such cases must be brought before the state courts.

The Constitution provided that whether in the United States courts or in the courts of any state

“The trial of any crimes, except in cases of impeachment, shall be by jury; and such trials shall be held in the state where the said crimes shall have

been committed; but when not committed within any state the trial shall be at such place or places as Congress may by law have directed."

A jury consists of twelve men, selected according to law, to determine matters of fact in a legal trial. The right of trial by a jury of one's peers was a right highly esteemed by the people of Great Britain, which they a long time ago compelled their king to yield to them. This right is here made a part of the Constitution of our country, and although not yielding all the good fruit which might be desired, yet is considered as one of the guaranties of a fair trial to any one accused of crime.

This clause provides that all trials for crime shall be held in the state where such crime has been committed.

Treason. —

"Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."

This clause defines treason as consisting of only two things: —

1. In levying war against the United States.

2. In adhering to their enemies, giving them aid and comfort, and it provides that,

“No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.”

“The Congress shall have the power to declare the punishment of treason ; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.”

The terms here used refer to an English custom. The old English law provided certain consequences as to the mode of execution of one who had been convicted of treason. He was to be put to death in a cruel manner, and his conviction involved what was called attainder, and this worked corruption of blood, or forfeiture.

There was no judgment of attainder, but the attainder was incident to the conviction as a matter of course. This attainder, as a natural consequence, was supposed to include corruption of blood, or forfeiture. His property of every kind was forfeited. His children could not inherit property from his ancestors through him. What was termed “corruption of blood” destroyed the power to inherit property.

Our Constitution prescribes that the offender himself shall bear the punishment. It shall not descend to his children. There may be forfeiture,

but this is rather in the nature of a fine, made at his conviction. This clause does not mean that the forfeiture shall extend only during the life of the person. The forfeiture or fine once made, of course the property or fine goes to the government permanently and not temporarily.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

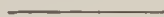
1. Describe the organization of the Supreme Court of the United States.
2. What is the salary of the justices ?
3. Describe the United States Circuit Courts.
4. Who may preside in a Circuit Court?
5. Describe the District Courts.
6. Name the salary of a judge of the Circuit Court.
7. What are the limits of the salary of the district judges?
8. What cases may be brought before the United States District Courts?
9. Circuit Courts?
10. The Supreme Court?
11. What courts try ordinary cases of crime, and suits between citizens of any one state?
12. Should a crime be committed in a post-office building, or a custom-house building owned by the United States, in what court would the case be tried?
13. Discuss the question of "trial by jury."

BLACKBOARD OUTLINE.



MISCELLANEOUS PROVISIONS.

"Full Faith and Credit."	"Records."
"Public Acts."	"Judicial Proceedings."



New States.	Republican Government.
Territories.	Amendments.

CHAPTER IV.

MISCELLANEOUS PROVISIONS.

THE Constitution provides that : —

“ Full faith and credit shall be given to the public acts, records, and judicial proceedings of every other state, and the Congress may, by general laws, prescribe the manner in which said acts, records, and proceedings shall be proved, and the effect thereof.”

1. “ Full faith and credit.” By these words are meant that the other state shall give the same credit, which the state itself gives to the acts, etc., when these have been proven.

2. “ Public acts.” By these are meant the laws of the state, or the action of the legislature.

3. “ Records.” These refer to general matters of legal record, such as laws, real estate records, legislative journals, etc.

4. “ Judicial proceedings.” The reference here is to the acts of the courts, judgments, orders, proceedings. In obedience to the last part of the clause, Congress, at an early date, passed an act specifying that the acts of the legislature of a state shall be authenticated by its seal. The same act also specifies the form of proof neces-

sary for the records of a court, and the attestation of the clerk together with the certificate of the judge. Such records and proceedings must receive full faith and credit in the courts of other states.

New States.—

“New states may be admitted by the Congress into this Union ; but no new state shall be formed or erected within the jurisdiction of any other state, or any state be formed by the junction of two or more states, without the consent of the legislatures of the states concerned, as well as of the Congress.”

The first added state was Vermont, which was admitted into the Union by an act of Congress in 1791.

In 1792, Kentucky was admitted.

In 1796, Tennessee was admitted.

In 1803, Ohio was admitted.

In 1812, Louisiana was admitted.

In 1816, Indiana was admitted.

In 1817, Mississippi was admitted.

In 1818, Illinois was admitted.

In 1819, Alabama was admitted.

In 1820, Maine was admitted.

In 1821, Missouri was admitted.

In 1836, Arkansas was admitted.

In 1837, Michigan was admitted.

In 1845, Florida was admitted.

In 1845, Texas was admitted.
In 1846, Iowa was admitted.
In 1848, Wisconsin was admitted.
In 1850, California was admitted.
In 1858, Minnesota was admitted.
In 1859, Oregon was admitted.
In 1861, Kansas was admitted.
In 1863, West Virginia was admitted.
In 1864, Nevada was admitted.
In 1867, Nebraska was admitted.
In 1876, Colorado was admitted.
In 1889, North Dakota was admitted.
In 1889, South Dakota was admitted.
In 1889, Montana was admitted.
In 1889, Washington was admitted.
In 1890, Idaho was admitted.
In 1890, Wyoming was admitted.
In 1895, Utah was admitted.

It will thus be seen that by the recent admission of the seven states last mentioned, we now have in our federal Union forty-five states.

Territories. —

“The Congress shall have power to dispose of, and make all needful rules and regulations, respecting the territory or other property belonging to the United States, and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.”

In accordance with this provision, Congress has from time to time passed laws regulating the organization of the territories and providing for territorial governments. We have at the present time, in addition to the forty-five states just mentioned, the District of Columbia, the Indian Territory, the unorganized Territory of Alaska, and three territories with regularly organized territorial governments as follows:—

- | | |
|----------------|--------------|
| 1. New Mexico. | 3. Oklahoma. |
| 2. Arizona. | |

Republican Government. —

“The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the legislature, or of the executive when the legislature cannot be convened, against domestic violence.”

By this section a republican government is made obligatory upon all the states. No particular department of the United States government is charged with this duty. It would seem reasonable that Congress should decide what government is the established one in a state, and this has been sanctioned by a decision of the Supreme Court. It would seem necessary also that the

President, as the executive officer of the national government, and commander-in-chief of the armies of the nation, should see that the provisions of this section should be enforced.

Amendments. —

“The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on application of the legislature of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress: *provided* that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article, and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.”

Two modes of proposing amendments are here given, and there may be two modes of ratification: —

1. Amendments to the Constitution may be proposed to the several states by a two-thirds vote of both houses in Congress.

2. Amendments may be proposed by a convention, on the application of the legislatures of two-thirds of the states.

Whenever amendments have been proposed to the states by either of these methods, there are two ways in which they may be ratified:—

1. By the legislatures of three-fourths of the several states.

2. By conventions in three-fourths of the several states, as the one or the other mode of ratification may be proposed by Congress.

As a matter of fact, all the amendments which have been hitherto made have been proposed to the states by Congress; and they have all been ratified by the legislatures. It is probable that this method, which has proved satisfactory in the past, will not be departed from in the future.

Supreme Law of the Land. —

“This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges of every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.”

This clause is of paramount importance in showing that the government of the United

States is supreme, and must be, not merely over the people, but over the land of the whole country, in all places belonging to this nation.

The Constitution, laws, and treaties are here made the supreme law of the land; and the statement is explicit and emphatic, that “the judges of every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.”

“The ratifications of the conventions of nine states shall be sufficient for the establishment of this Constitution between the states so ratifying the same.”

As a matter of fact, the adoption of this Constitution was a peaceful revolution.

The Articles of Confederation provided as follows:—

“And the Articles of this Confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every state.”

They further provide,—

“That the articles thereof shall be inviolably observed by the states they respectively represent, and that the union shall be perpetual.”

Contrary, then, to these provisions of the Articles of Confederation, which were emphatically the supreme law of the land, this Constitution provides that it should go into effect between nine states as soon as ratified by that number.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR
REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What is meant by "full faith and credit"?
2. "Public acts"?
3. "Records"?
4. "Judicial proceedings"?
5. How may new states be admitted?
6. What power has Congress over the territories?
7. What has been the uniform method of proposing amendments to the Constitution?
8. What has been the uniform method of adopting amendments to the Constitution?

BLACKBOARD OUTLINE.



AMENDMENTS TO THE CONSTITUTION.

First Ten Amendments. — A Bill of Rights.

Eleventh Amendment. — Judicial Department.

Twelfth Amendment. — The Election of President.

Thirteenth Amendment. — Slavery.

Fourteenth Amendment. — Citizenship, Congressional Representation, Inability to hold Office under the United States, the Public Debt.

Fifteenth Amendment. — Shall not deny or abridge the right to vote.

Putting the Constitution into Operation.

CHAPTER V.

THE AMENDMENTS TO THE CONSTITUTION.

CONVENTIONS were called in the several states to discuss and adopt, or reject, this Constitution. After a time it was adopted by all of the thirteen original states, yet in several conventions there was a strong desire for certain modifications to satisfy the evident will of the people.

Congress, at its first session under the Constitution, proposed to the states twelve articles of amendment. Of these articles ten were ratified by the legislatures of three-fourths of the states, and became part and parcel of the Constitution from the fifteenth day of December, 1791. These constitute the first ten of the amendments to the Constitution. They, in general, relate to the rights of the people and to limitations of government. (The teacher is advised to turn to the Constitution, and read these amendments, discussing them in an informal way with the class.)

The Eleventh Amendment was proposed at the first session of the Third Congress, in 1794, and was declared adopted as a part of the Constitution January 8, 1798.

This amendment, which has been already considered, restricts the judicial power of the United States in suits at law between one of the United States and citizens of another state.

The Twelfth Amendment relates to the manner of electing President and Vice-President, and has already been considered. It was proposed by the first session of the Eighth Congress, in 1803, and was adopted by the requisite number of states the next year. At present there are three other amendments, the Thirteenth, Fourteenth, and Fifteenth, all of which have grown out of the Civil War.

The Thirteenth Amendment. —

“Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

“Congress shall have power to enforce this article by appropriate legislation.”

This amendment was proposed by Congress in 1865, and ratified by the constitutional number of states the same year.

The Fourteenth Amendment. —

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they

reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States ; nor shall any state deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

“Representatives shall be apportioned among the several states, according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

“No person shall be a senator or representative in Congress, or elector of President or Vice-President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Consti-

tution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

“The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for loss or emancipation of any slave ; but all such debts, obligations and claims shall be held illegal and void.

“The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.”

This amendment was proposed by Congress in 1866, and was declared to be a part of the Constitution in July, 1868.

Fifteenth Amendment. —

“The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any state, on account of race, color, or previous condition of servitude.

“The Congress shall have power to enforce this article by appropriate legislation.”

The object of this article was to secure suffrage to the colored race, especially to the freed men of

the South. It specifies three points, in respect to which the right of citizens of the United States to vote shall not be denied or abridged, either by the national or state governments: —

1. On account of race.
2. On account of color.
3. On account of previous condition of servitude.

It was at first proposed to add two other points, nativity and religion, but these were stricken out before the proposed amendment was sanctioned by Congress.

This amendment was proposed by Congress in 1869, and was declared to be ratified in 1870.

Putting the Constitution into Operation.—

In July, 1788, a committee was appointed by the Congress to report an act for putting the Constitution into operation. This committee reported an act which was adopted on the 13th of September, as follows: —

“*Resolved*, that the first Wednesday in January next be the day of appointing electors in the several states, which before the said day shall have ratified the said Constitution; that the first Wednesday in February next be the day for the electors to assemble in their respective states, and vote for a President; and that the first Wednesday in March next be the time, and the present seat of Congress the place, for commencing proceedings under the said Constitution.”

The first Wednesday in March, 1789, happened to be the fourth day of the month, and as one presidential term and two Congresses occupies, by the Constitution, exactly four years, it follows that the inauguration of the President is to take place on the fourth day of March every fourth year, beginning with 1789.

Washington was elected President by unanimous vote. John Adams was declared elected Vice-President, and the new government went into operation quietly and with the general sanction of the people of the country. It is not a little remarkable that the first President should have been elected unanimously, and re-elected unanimously. No President since his day has received a unanimous vote of all the electors.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR
REVIEW.

Designed to recall what has been learned, and to suggest further thought, reading, and study.

1. When were the first ten amendments adopted?
2. Why are they called a "Bill of Rights"?
3. What is the Eleventh Amendment?
4. Give a brief history of the Twelfth Amendment, and state its object.
5. Tell the story of the Thirteenth Amendment.
6. Also the Fourteenth.
7. What was the object of the Fifteenth Amendment?
8. What measures were taken by the Congress for putting the Constitution into operation?

BLACKBOARD OUTLINE.



THE GROWTH OF OUR COUNTRY.

The Treaty of Paris.	Annexation of Texas.
Weakness of the Articles of Confederation.	Mexican Provinces.
Purchase of Louisiana.	Discovery of Gold.
Purchase of Florida.	The Oregon Country.
Spanish Boundary.	Alaska.
	Our Present Condition

CHAPTER VI.

THE GROWTH OF OUR COUNTRY.

THE original thirteen English colonies which secured their independence by the revolutionary war, extended from the St. Croix River on the eastern borders of Maine to the southern boundary of Georgia. The settlements in these colonies were invariably near the sea-coast. At the beginning of the revolution, but few settlers were to be found more than a hundred miles from the Atlantic. These colonies in the main extended westward to the Alleghany Mountains, but several of them claimed, under their grants and charters from the British crown, westward to the Mississippi River.

The Treaty of Paris. — The treaty of peace between the new Republic and Great Britain was negotiated at Paris. The preliminary treaty was signed in 1782, and the definitive treaty was executed the year following. Our commissioners in the negotiation of this treaty, to whom this country owes great gratitude for their patriotism and sagacity, were John Adams, John Jay, and Benjamin Franklin. In spite of strong opposition

they succeeded in securing for us the entire territory as far north as the Great Lakes, and westward to the Mississippi River, and southward to latitude 31° , the northern limit of Florida. This immense territory comprised more than eight hundred thousand square miles, and was from three to four times as large as France, or Spain, or Italy.

Weakness of Articles of Confederation. —

But the national government was weak and inefficient. The Articles of Confederation provided only for a Congress of delegates from the different states sitting as one house only, with no executive and no judicial department. This Congress had all power in advising and recommending, but no power to oblige the various States to perform their requisite duties. In 1787, on the recommendation of the Congress, a convention composed of delegates from the several states, assembled in Philadelphia, and framed the United States Constitution. This Constitution was submitted to the several states, and finally adopted by them all. Washington was unanimously elected the first President, and the new government went into effect on the fourth of March, 1789. The country soon began to rally, business improved, agriculture flourished, and manufactures increased. The new Republic was now on

a strong basis with a vigorous government, and it entered upon a career of unexampled growth and prosperity.

Purchase of Louisiana. — The extent of territory remained unchanged until the year 1803. Three years before this, Napoleon Bonaparte, then the First Consul of France, had secured from Spain that territory called the Province of Louisiana, which extended from the Gulf of Mexico on the south, northward as far as the Lake of the Woods, and from the Mississippi River westward to the Rocky Mountains. Early in the year 1803, Napoleon, finding himself on the eve of a war with Great Britain, proposed to sell this immense territory to the United States, in order to prevent its capture by Great Britain, and to replenish the treasury of France. In April of the year just mentioned, the treaty was executed by Napoleon and his secretary of the treasury, Barbè Marbois, for the Republic of France, and Robert R. Livingston and James Monroe for the United States of America. By this peaceful treaty, the entire territory, called the Province of Louisiana, was conveyed to the United States, we paying therefor the sum of fifteen million dollars. It was an accession so great that, comprising as it did nine hundred thousand square miles, it more than doubled our former territory. The

result has proved that it was of great importance to our country.

The Purchase of Florida. — Having obtained a foothold upon the Gulf of Mexico, our statesmen naturally desired to secure the coast from the Atlantic to New Orleans. Consequently, in 1819, we negotiated a treaty with Spain by which, for the sum of five million dollars, she ceded to us her provinces of East and West Florida. This treaty completed our title to the territory from the Atlantic to the Rocky Mountains, and from the Gulf to the Great Lakes.

Spanish Boundary. — The third article of the Florida treaty related to the boundary line between the United States and the Spanish provinces of North America. It established this line as follows: —

Beginning on the Gulf of Mexico at the mouth of the Sabine River, and following up that river to a certain point, thence due north, on the line which is now the boundary line of Texas, to the Red River; thence up the Red River to longitude one hundred; thence due north to the Arkansas River, and up the Arkansas to its source; thence due north to latitude forty-two, and westward upon that parallel to the Pacific Ocean. Spain relinquished all claim to the terri-

tory north and east of this line, and the United States relinquished to her all claim to the territory west and south of the line. This treaty gave us a stronger claim to the Oregon country, while we relinquished to Spain whatever claims we might have had to Texas.

Annexation of Texas. — Texas declared herself independent of Mexico in 1836; and in 1845, by joint resolution of Congress, ratified by the government of Texas, she was annexed to the United States.

Purchase of Mexican Provinces. — The war with Mexico followed; and at the conclusion of that war, our army being entirely victorious, and having captured the city of Mexico, a treaty was made between us and that country by which Mexico relinquished to us her provinces of New Mexico and Upper California, for which we paid the sum of fifteen million dollars. In 1853, through General Gadsden, we purchased from Mexico an additional strip of territory called the Masilla Valley, south of the Gila River, and now known as the Gadsden Purchase. For this strip we paid Mexico the sum of ten million dollars.

The Discovery of Gold. — Almost simultaneously with the news of the treaty with Mexico came the report of the discovery of gold in

California. The "gold fever" spread rapidly throughout the country, and in 1849 and 1850 thousands of persons flocked from all sections to the California coast in search of gold.

The state government was organized, and California was admitted as one of the states of the Union in 1850.

The Size of these Additions. — The annexation of Texas, with her original boundaries, gave us about three hundred thousand square miles; and the purchase of the Mexican provinces gave us six hundred thousand square miles more, so that our territory by this means was increased to the extent of another nine hundred thousand square miles.

The Oregon Country. — Our title to Oregon is based upon several claims, as follows: —

1. By right of discovery (Captain Gray in 1792).
2. By exploration (Lewis and Clark in 1805-6).
3. By first settlement (Astoria in 1811).
4. By purchase from France in 1803 of whatever claim she might have had to the country.
5. By purchase from Spain, in the Florida treaty, 1819, of all her right to this territory north of latitude forty-two.
6. By treaty with Great Britain in 1846, by which she yielded to us all her claim to the country south of latitude forty-nine.

This country included what to-day is comprised in the states of Oregon, Washington, and Idaho, and embraces about three hundred thousand square miles. Many parts of it are of the greatest fertility, with a mild and equable climate, forming in all respects one of the most delightful countries in the world.

Alaska. — In 1867 our government, through Secretary Seward, negotiated a treaty with the Russian government by which we obtained the entire territory of Alaska, comprising, in round numbers, about six hundred thousand square miles. We paid for this territory the sum of seven million two hundred thousand dollars. This is our latest addition.

Our Present Whole Country. — Our country now embraces about 3,600,000 square miles. Its eastern limits are the Atlantic Ocean; its western, the Pacific Ocean; its southern boundary is upon the Gulf of Mexico, and its northern is the Arctic Ocean. It extends through about one hundred and thirty degrees of longitude, and about forty-five degrees of latitude. It may be considered as embraced in four nearly equal divisions. The first part, being a little less than a quarter of the whole, includes the original territory east of the Mississippi River; the second

quarter, of about 900,000 square miles, embraces the Province of Louisiana; the third quarter consists of the original Texas, about 300,000 square miles, and the Mexican cessions of about 600,000 more; the fourth quarter includes the Oregon country, about 300,000 square miles, and Alaska, about 600,000 more.

Our Present Condition. — The entire extent of our country at the present time is 3,603,884 square miles. This is divided into forty-five states, five territories, and one federal district. The states proper include about 2,800,000 square miles, and the territories 800,000 square miles. The aggregate population is not far from 64,000,000, of which about 63,000,000 are in the states, and nearly 1,000,000 in the territories, including the District of Columbia. The densest population is in the State of Rhode Island, which averages about three hundred and twenty per square mile. If the entire country had a population as dense as Rhode Island, it would contain over 1,100,000,000, or about three-fourths of the present population of the globe.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR
REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What was the original extent of the United States territory?
2. Describe the Treaty of Paris.
3. Discuss the weakness of the Articles of Confederation.
4. Write a brief account of the purchase of the Province of Louisiana.
5. When was Florida purchased, of whom, and for what price?
6. Describe the third article of the Treaty of Florida.
7. Give some account of the annexation of Texas. Of the purchase of New Mexico and California.
8. Tell something about the discovery of gold in California, and its effects upon the country.
9. Upon what various grounds did we lay claim to the Oregon country?
10. When was Alaska purchased; by whom, of whom, at what price, and what was its extent?
11. Describe the present extent of our whole country: its aggregate size and its aggregate population.

BLACKBOARD OUTLINE.



RULES OF PROCEDURE FOR DELIBERATIVE ASSEMBLIES.

Formation of a Society.

Form of a Constitution.

Election of Officers.

Officers and their Duties.

Transaction of Business.

CHAPTER VII.

RULES OF PROCEDURE FOR DELIBERATIVE ASSEMBLIES.

SECTION I.

FORMATION OF A SOCIETY.

THIS is a country of majorities. The fundamental principle of our government is that the majority vote shall dominate. Deliberative assemblies are numerous throughout the land, from the Senate of the United States to the boys' debating society in the school. Every pupil in the upper classes of the grammar school should learn how to transact business in an orderly manner in an organized meeting.

The Senate of the United States, the National House of Representatives, the State Senate and House, the town meeting, the agricultural and the historical society, the county convention, the village lyceum, all are governed by "Rules of Order." The rules of the Senate are fixed and well known. The rules of the House are adopted by each Congress.

“Cushing’s Manual,” “Jefferson’s Manual,” and Barclay’s “Digest of the Rules and Practice of the House of Representatives, U. S.,” are well-known treatises on “Rules of Procedure.”

Let us suppose that the pupils of a certain school are about to form a debating society. The proper method would be for a number of persons interested in the matter to sign and post in the school-house a call for a meeting to organize such a society. Notice might, however, be given in some other manner; for example, at the request of several pupils, the teacher could give notice that all persons interested in effecting such an organization are requested to meet at such a time and place. If a written notice were posted, then the time having arrived, and the company being assembled, some one who had signed the call should call the meeting to order. Then the call may be read. Next a chairman should be chosen, on nomination, and a majority vote. A majority vote means a majority of all votes cast. A plurality means a larger number than any other one candidate has received. Blank ballots are not votes, and should not be counted as such. The chairman, being elected, takes the chair, and calls for the nomination of a secretary. When the secretary is elected, the meeting is duly “organized.”

It would then be proper to call for the appoint-

ment of a committee to draft a "Constitution" and "By-Laws." The meeting might then adjourn to a certain time and place, or to the call of the chairman, or to the call of the committee.

Report of the Committee. — At the next meeting the "Committee on Constitution" reports a draft for constitution and by-laws, which, after discussion and amendments, may be adopted.

Form of a Constitution. — The following will indicate the ordinary form of a constitution. Of course every constitution will have some distinguishing features differing from every other one.

CONSTITUTION OF THE CHICKATAWBUT DEBATING CLUB.

ARTICLE I.

NAME.

THE name of this organization shall be the Chickatawbut Debating Club.

ARTICLE II.

OBJECT.

The object of the club shall be to improve its members in the art of public speaking and conducting affairs in a deliberative assembly.

ARTICLE III.

MEMBERS.

SECTION 1. Membership in this club is confined exclusively to the members of the senior class in the —— Grammar School, in the town (or city) of ——.¹

SECTION 2. Any member of said class in said school desiring to become a member of this club, should make application to the Executive Committee, and, being recommended by said committee, and receiving a two-thirds vote of the members of the club present at any regular meeting shall be constituted a member by signing the constitution.

ARTICLE IV.

OFFICERS.

SECTION 1. The officers of the club shall consist of a President, a Vice-President, a Secretary, a Treasurer, and an Executive Committee, composed of the above-named officers and three other members.

SECTION 2. All officers shall be elected by ballot at the first meeting of each school year.

SECTION 3. The Executive Committee shall have the general management of the affairs of the club.

SECTION 4. It shall be the duty of the President, Vice-President, Secretary, and Treasurer faithfully to discharge the duties usually required of such officers in an association of this character. The President shall be chairman of the Executive Committee.

¹ This draft of a constitution is designed to fit a large graded grammar school. For a high school, or an ungraded school, the necessary changes from this form will readily suggest themselves to suit the particular school.

The Secretary shall give notice of the regular meetings, and of any special meetings called by the President, by posting upon the bulletin board in the school-house a written notice at least twenty-four hours prior to the time for said meeting.

ARTICLE V.

FINANCE.

SECTION 1. The annual membership fee shall be —, which shall be payable at the first meeting in each school year.

SECTION 2. Any member who shall not have paid his dues on or before the first regular meeting in December shall be notified by the treasurer that unless such dues are paid by the date of the first meeting in January his name shall be dropped from the membership of the club.

SECTION 3. No bills shall be paid by the treasurer till they are audited by the president.¹

ARTICLE VI.

MEETINGS.

SECTION 1. The regular meetings of this club shall be on the second and fourth Friday evenings of each month, during term time.

SECTION 2. Special meetings may be called by the president, and he shall call a special meeting at the request in writing of three members of the club.

¹ In societies where the treasurer handles large sums of money, it is common to have an auditor, as a special officer of the society.

ARTICLE VII.

AMENDMENTS.

This constitution may be altered or amended by a two-thirds vote of the members present at any regular meeting of the club, notice of such alteration or amendment having been given in writing at a previous regular meeting.

The above will serve as a model by which the pupils in any school may frame a constitution to suit their own wants.

When the constitution has been reported by the committee, it should be read throughout, and then discussed article by article. When each article has been duly considered, and such amendments as might be proposed have been adopted or rejected, the article should be adopted, and then the next, and so on, until the entire constitution has been adopted by articles. It should then be adopted as a whole.

Election of Officers. — After the adoption of the constitution, the first business in order will be the election of officers. As each officer is elected, he replaces the temporary one, and when they are all elected the organization is completed.

In most cases the constitution provides some form for the admission of members. It is quite common for associations to require that each member shall sign his name to the constitution.

SECTION II.

OFFICERS AND THEIR DUTIES.

Chairman or President. — It is the duty of the Chairman to call the meeting to order at the appointed time, to preside at all the meetings, to announce the business before the assembly in its proper order, to state and put all questions properly brought before the assembly, to preserve order and decorum, and to decide all questions of order (subject to an appeal). When he “puts a question” to vote, and when speaking upon an appeal, he should stand; in all other cases he can sit. In all cases where his vote would affect the result, or where the vote is by ballot, he can vote. When a member rises to speak, he should say, “Mr. Chairman,” and the Chairman should reply, “Mr. A.” He should not interrupt a speaker so long as he is in order, but should listen to his speech, which should be addressed to him and not to the assembly. The Chairman should be careful to abstain from the appearance of partisanship, but he has the right to call another member to the chair while he addresses the assembly on a question; but when speaking to a question of order he does not leave the chair.

The **Clerk, Secretary, or Recording Secretary**, as he is variously called, should keep a record of

the proceedings of the convention, society, or association, whose officer he is. It is not his duty to record discussions, but only the resolutions, motions, orders, or whatever the action of the society may be called. He should record every vote, stating whether the motion or resolution which had been offered was adopted or rejected.

It is sometimes customary in the records to say that the question was discussed by Messrs. A., B., and C. in the affirmative, and D., E., and F. in the negative.

It is necessary for an inexperienced secretary to keep constantly in mind in making his records the fact that he is to record not what was said but what was done. Above all, he should never make in his minutes any criticism, favorable or unfavorable, upon anything that was said or done in the meeting.

The Form of the Minutes can be as follows:—

“The regular meeting of the Chickatawbut Club was held in the school-room, on Friday evening, May 9, 1890. The president was in the chair, and in the absence of the secretary, Mr. A. was chosen secretary *pro tem*. The minutes of the previous meeting were read and approved. The following persons were admitted by vote as members of the club, Messrs. A. B., C. D., E. F., and Misses G. H., I. J., and K. L.”

The question for the evening was the following:—

“*Resolved*, That the explorations of Henry M. Stanley will prove of greater value to the world than the Arctic voyages of Dr. Kane.

“The disputants upon the affirmative were Messrs. M. N., O. P., and R. S., and in the negative Mr. T. U., and Misses V. W., and X. Y.

“The question was decided by a large majority in the affirmative.

“At five minutes before nine o’clock the club adjourned.

“S—— E—— C——, *Secretary*.”

The constitution, and, if there are any, the by-laws, rules of order, and standing rules should be written in a book with blank pages, writing only on the right-hand page. The left-hand page should be left blank, on which amendments to the articles opposite may be entered, if there should be any. Each amendment should have recorded with it a reference to the date and page of the minutes where the action of the society adopting such amendment is recorded. It is customary to insert the constitution, etc., in the first part of the society’s book, after which would be recorded the names of the members. Following these names the page can be used for the record of the minutes of the society.

Treasurer. — It is the duty of this officer to collect and hold the funds belonging to the society, and to pay out money on the order of the proper officer.

The treasurer should make a report annually to the society, which report should contain a statement of the amount of money on hand at the beginning of the year and amount received during the year, including the sources through which the money has come ; and a statement in brief of the amount of money paid out by order of the society and the balance on hand at the end of the year. This report is usually referred to an auditing committee, consisting of one or more persons, whose duty it is to examine the treasurer's books and vouchers, and make a certificate as to the correctness of his report. The form of auditor's report is usually something like the following : —

“I hereby certify that I have examined the accounts and vouchers of the above report of T—— R——, the treasurer of the Chickatawbut Club, and find them correct, and that the balance on hand is,” etc., stating the amount on hand.

It is usual after the auditor's report has been read to accept the treasurer's report.

Committees. — In small societies there is less need of committees, but in permanent organizations, like the National or State Senate or House,

Common Council in a city, or school committee, nearly all matters of business should be referred to appropriate committees. These sub-committees examine the matters referred to them and report to the entire body. When a committee thus reports, it is usual for the body to accept its report, and unless special objections appear, to adopt its recommendations.

The first-named member of a committee is usually its chairman. It is his duty to call the committee together and to preside at their meetings. If he is absent it is customary for the next member in order to preside. A majority of a committee should constitute a quorum. The committee should not act unless a quorum be present. The committee may make a majority and minority report if the members do not agree. When a majority and a minority report have been presented to a body, it is competent for any member to move the acceptance of the majority report. It is proper for some other member to move to substitute the minority for the majority report. The minority report cannot be acted upon except by such motion to substitute it for the majority. When the committee's report has been read and accepted, the committee is discharged, without further motion, unless their report be a report of progress.

SECTION III.

TRANSACTION OF BUSINESS.

Every order, resolution, or motion to be submitted to a deliberative assembly should be in writing, and having been read should be handed to the president.

The following will illustrate the form of a resolution:—

“Resolved.—That the thanks of the Chickatawbut Club are hereby tendered to the principal of our school, Mr. A. B., for his timely, interesting, and useful address, to which we have just listened.”

The person desirous of offering this resolution should rise from his seat and address the chairman by his title, thus “Mr. President,” or “Mr. Chairman,” who immediately recognizes him and announces his name. He, then, having the floor, says “I move the adoption of the following resolution,” which he reads and hands to the chairman. Some one else seconds the motion, and the chairman says, “It has been moved and seconded that the following resolution be adopted.” He then reads the resolution, and, says, “Are there any remarks upon the resolution?” Here will follow a discussion of the resolution pro and con, if the members should be so disposed. If no one rises

to speak when the question is thrown open for discussion, or it having been discussed and the president thinks the debate is closed, he says, "Are you ready for the question?" If no one rises to speak, he puts the question in a form similar to the following: "The question is upon the adoption of the resolution which you have heard read. Those of you who are in favor of adopting this resolution will manifest it by saying 'Aye'; those contrary minded, 'No.' It is a vote, and the resolution is adopted." If the majority vote in the negative, the chairman will state that the resolution is lost. If he is in doubt, he will say, "The chair is in doubt, those in favor of the adoption of the resolution will rise and stand until counted." The president or the secretary makes the count. Those opposed will rise." The chairman announces the result.

A debating society like the one proposed above will prove of great service to young persons at school. They will not only improve themselves in the ability to speak before others, and present their thoughts in a clear and forcible manner, but they will rapidly improve their power to think upon any question which may be presented to their minds for consideration. Not the least advantage will be found to consist in their becoming familiar with proper methods of transact-

ing business in a deliberative assembly. Every such young person should familiarize himself with all points connected with rules of order, and such persons are specially advised to make themselves familiar with some one or more of the books heretofore recommended on this subject.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. Why is this a country of "Majorities"?
2. Describe the method of forming a society.
3. What are the essential officers?
4. Method of electing officers.
5. Duties of President.
6. Duties of Secretary.
7. Duties of Treasurer.
8. Why have an Auditor?
9. Write a form for auditing the Treasurer's annual report.
10. Write a form of "Minutes" of a meeting.
11. Write a "Resolution," extending the thanks of the society for a lecture.

APPENDIX.



THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

WE the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

ARTICLE. I.

SECTION. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION. 2. ^[1]The House of Representatives shall be composed of Members chosen every second year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

^[2]No person shall be a Representative who shall not have attained to the Age of twenty five years, and been seven Years

[NOTE. — The small figures in brackets are not in the original, but have been added subsequently, to mark the different clauses in a section. In reprinting the constitution here, the spelling, punctuation, and capitalization of the original have been preserved.]

a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[³] Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative ; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

[⁴] When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

[⁵] The House of Representatives shall chuse their Speaker and other officers ; and shall have the sole Power of Impeachment.

SECTION. 3. [¹] The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years ; and each Senator shall have one Vote.

[²] Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class

shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third class at the Expiration of the sixth Year, so that one-third may be chosen every second Year ; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

[³] No person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

[⁴] The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

[⁵] The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

[⁶] The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside : And no Person shall be convicted without the Concurrence of two thirds of the Members present.

[⁷] Judgment in Cases of Impeachment shall not extend further than to removal from Office, and Disqualification to hold and enjoy any Office of honour, Trust or Profit under the United States : but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION. 4. [¹] The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof ; but the Congress may

at any time by Law make or alter such Regulations, except as to the places of chusing Senators.

[²] The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION. 5. [¹] Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business ; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

[²] Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

[³] Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy ; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

[⁴] Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION. 6. [¹] The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same ; and for any speech or debate in either House, they shall not be questioned in any other Place.

[²] No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time ; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION. 7. [¹] All Bills for raising Revenue shall originate in the House of Representatives ; but the Senate may propose or concur with Amendments as on other Bills.

[²] Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States ; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

[³] Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States ; and before the Same shall take Effect, shall be approved by him, or being

disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION. 8. The Congress shall have Power

[¹] To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States ; but all Duties, Imposts and Excises shall be uniform throughout the United States ;

[²] To borrow Money on the credit of the United States ;

[³] To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes ;

[⁴] To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States ;

[⁵] To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures ;

[⁶] To provide for the Punishment of counterfeiting the Securities and current Coin of the United States ;

[⁷] To establish Post Offices and post Roads ;

[⁸] To promote the progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries ;

[⁹] To constitute Tribunals inferior to the supreme Court ;

[¹⁰] To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations ;

[¹¹] To declare War, grant letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water ;

[¹²] To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years ;

[¹³] To provide and maintain a Navy ;

[¹⁴] To make Rules for the Government and Regulation of the land and naval Forces ;

[¹⁵] To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions ;

[16] To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the Discipline prescribed by Congress ;

[17] To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, Dock-Yards, and other needful Buildings ; — And

[18] To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

SECTION. 9. [1] The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or Duty may be imposed on such Importation, not exceeding ten dollars for each Person.

[2] The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

[3] No Bill of Attainder or ex post facto Law shall be passed.

[4] No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

[5] No Tax or Duty shall be laid on Articles exported from any State.

[6] No Preference shall be given by any Regulation of Com-

merce or Revenue to the Ports of one State over those of another : nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

[7] No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law ; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

[8] No Title of Nobility shall be granted by the United States : And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION. 10. [1] No State shall enter into any Treaty, Alliance, or Confederation ; grant Letters of Marque and Reprisal ; coin Money ; emit Bills of Credit ; make any Thing but gold and silver Coin a Tender in Payment of Debts ; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

[2] No State shall, without the consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws : and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States ; and all such Laws shall be subject to the Revision and Controul of the Congress.

[3] No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of Delay.

ARTICLE. II.

SECTION. 1. [1] The executive Power shall be vested in a President of the United States of America. He shall hold his

Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

[²] Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress : but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

* [³] The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each ; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed ; and if there be more than one who have such Majority and have an equal number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President ; and if no Person have a Majority, then from the five highest on the List the said House shall in like manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote ; a Quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a choice. In every Case, after the Choice of the President, the Person having the greatest Number

* This clause has been superseded by the 12th amendment, on page 80.

of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

[⁴]The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

[⁵]No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

[⁶]In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

[⁷]The President shall, at stated Times, receive for his services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

[⁸]Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—

“I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

SECTION. 2. [¹]The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the

United States ; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

[²] He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur ; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law : but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

[³] The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SECTION. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient ; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the time of Adjournment, he may adjourn them to such Time as he shall think proper ; he shall receive Ambassadors and other public Ministers ; he shall take Care that the Laws be faithfully executed, and shall Commission all the officers of the United States.

SECTION. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE. III.

SECTION. 1. The Judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation which shall not be diminished during their Continuance in Office.

SECTION. 2. ^[1]The Judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority ;— to all Cases affecting Ambassadors, other public Ministers and Consuls ;— to all Cases of admiralty and maritime Jurisdiction ;— to Controversies to which the United States shall be a Party ;— to Controversies between two or more States ;— between a State and Citizens of another State ;— between Citizens of different States, — between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

^[2]In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

^[3]The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury ; and such Trial shall be held in the State where the said Crimes shall have been committed ; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

SECTION. 3. ^[1]Treason against the United States, shall con-

sist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

[²] The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE. IV.

SECTION. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records, and Proceedings shall be proved, and the Effect thereof.

SECTION. 2. [¹] The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

[²] A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

[³] No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

SECTION. 3. [¹] New States may be admitted by the Congress into this Union ; but no new State shall be formed or erected within the Jurisdiction of any other State ; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

[²] The Congress shall have Power to dispose of and make all

needful Rules and Regulations respecting the Territory or other Property belonging to the United States ; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SECTION. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion, and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress ; Provided that no Amendment which may be made prior to the Year one thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article ; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE. VI.

[¹] All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

[²] This Constitution, and the Laws of the United States which shall be made in Pursuance thereof ; and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the Land ; and the Judges in every

State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

[3] The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution ; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE. VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth. **In Witness** whereof We have hereunto subscribed our Names,

G^o WASHINGTON —

Presidt and deputy from Virginia

NEW HAMPSHIRE.

JOHN LANGDON

NICHOLAS GILMAN

MASSACHUSETTS.

NATHANIEL GORHAM

RUFUS KING

CONNECTICUT.

WM SAML JOHNSON

ROGER SHERMAN

NEW YORK.

ALEXANDER HAMILTON

NEW JERSEY.

WIL LIVINGSTON

DAVID BREARLEY

WM PATERSON

JONA DAYTON

PENNSYLVANIA.

B FRANKLIN	THOMAS MIFFLIN
ROBT MORRIS	GEO CLYMER
THO FITZSIMONS	JARED INGERSOLL
JAMES WILSON	GOUV MORRIS

DELAWARE.

GEO READ	GUNNING BEDFORD, Jun'r
JOHN DICKINSON	RICHARD BASSETT
JACO BROOM	

MARYLAND.

JAMES M'HENRY	DAN OF ST THOS JENIFER
DANL CARROLL	

VIRGINIA.

JOHN BLAIR	JAMES MADISON, Jr
------------	-------------------

NORTH CAROLINA.

WM BLOUNT	RICH'D DOBBS SPAIGHT
HU WILLIAMSON	

SOUTH CAROLINA.

J RUTLEDGE	CHARLES COTESWORTH PINCKNEY
CHARLES PINCKNEY	PIERCE BUTLER

GEORGIA.

WILLIAM FEW	ABR BALDWIN
-------------	-------------

Attest :

WILLIAM JACKSON, *Secretary.*

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE
CONSTITUTION OF THE UNITED STATES OF AMERICA,

*Proposed by Congress, and ratified by the Legislatures of the
several States, pursuant to the fifth article of the original
Constitution.*

(ARTICLE I.)

Congress shall make no law respecting an establishment of
religion, or prohibiting the free exercise thereof; or abridging

the freedom of speech, or of the press ; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

(ARTICLE II.)

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

(ARTICLE III.)

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

(ARTICLE IV.)

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

(ARTICLE V.)

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger ; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb ; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law ; nor shall private property be taken for public use, without just compensation.

(ARTICLE VI.)

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which

district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation ; to be confronted with the witnesses against him ; to have Compulsory process for obtaining Witnesses in his favour, and to have the Assistance of Counsel for his defence.

(ARTICLE VII.)

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

(ARTICLE VIII.)

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

(ARTICLE IX.)

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

(ARTICLE X.)

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

(ARTICLE XI.)

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

(ARTICLE XII.)

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at

least, shall not be an inhabitant of the same state with themselves ; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate ;— The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted ;— The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed ; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. — The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President ; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to

the office of President shall be eligible to that of Vice-President of the United States.

(ARTICLE XIII.)

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECT. 2. Congress shall have power to enforce this article by appropriate legislation.

(ARTICLE XIV.)

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SECT. 2. Representatives shall be apportioned among the several States, according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crimes, the basis of representation shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens, twenty-one years of age, in such State.

SECT. 3. No person shall be a senator or representative in

Congress, or elector of president or vice-president, or hold any office, civil or military, under the United States or under any State, who having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each house remove such disability.

SECT. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States, nor any State, shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave ; but all such debts, obligations, and claims shall be held illegal and void.

SECT. 5. The Congress shall have power to enforce by appropriate legislation the provisions of this article.

(ARTICLE XV.)

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

SECT. 2. The Congress shall have power to enforce this article by appropriate legislation.

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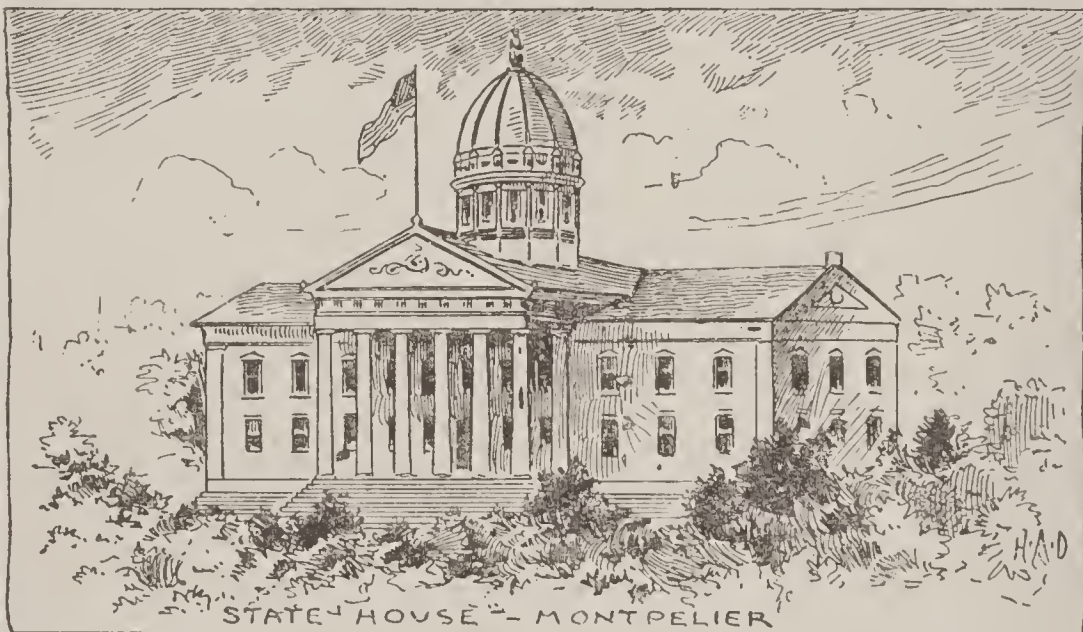
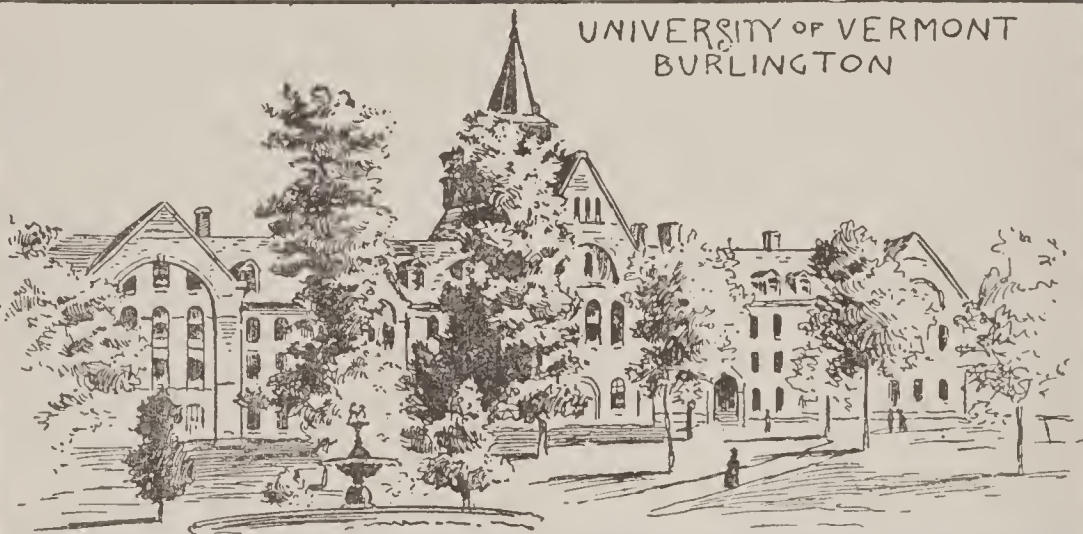
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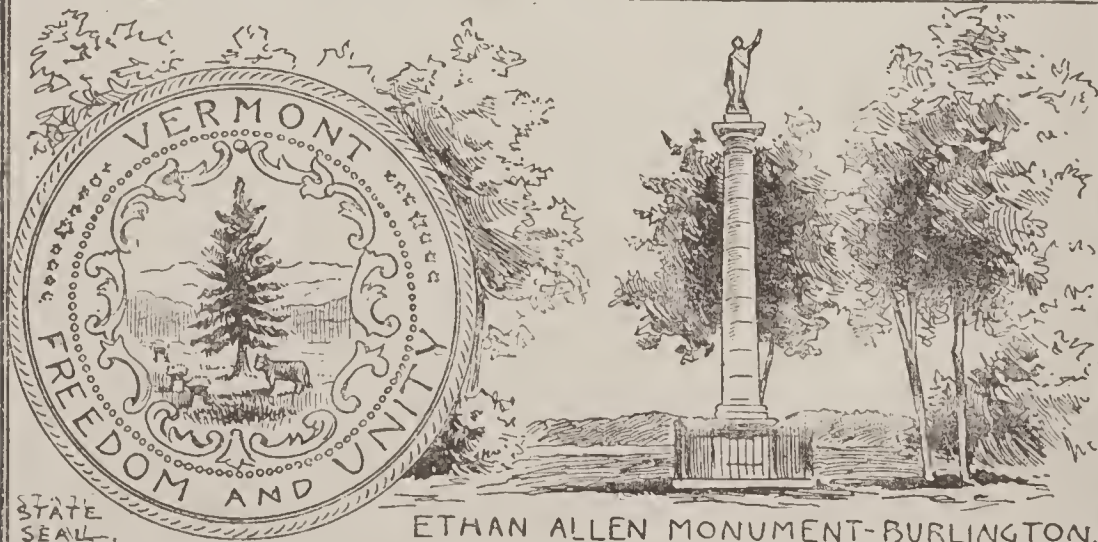
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HISTORY AND CIVIL GOVERNMENT
OF THE
STATE OF VERMONT

UNIVERSITY OF VERMONT
BURLINGTON



STATE HOUSE - MONTPELIER



STATE
SEAL

ETHAN ALLEN MONUMENT-BURLINGTON.

A BRIEF OUTLINE
OF THE
HISTORY AND CIVIL GOVERNMENT
OF VERMONT

INCLUDING THE CONSTITUTION OF THE STATE IN FULL

BY
S. W. LANDON, A.M.
PRINCIPAL HIGH SCHOOL, BURLINGTON, VERMONT

NEW EDITION, REVISED AND ENLARGED



28550-001

SILVER, BURDETT & CO., PUBLISHERS

NEW YORK BOSTON CHICAGO

1895

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Norwood Press :
J. S. Cushing & Co. — Berwick & Smith.
Norwood, Mass., U.S.A.

THE HISTORY AND CIVIL GOVERNMENT OF VERMONT.



CHAPTER I.

DISCOVERY AND SETTLEMENT.

FROM 1609 TO 1777.

Discovery.— July 3d, 1609, three Frenchmen, Samuel de Champlain, governor of Quebec, and two associates, entered Lake Champlain from the north. They accompanied a war party of Canadian Indians in an expedition against the Iroquois of New York, and ascended the lake in canoes as far as Ticonderoga, where they met and defeated their foes. After returning from this expedition, Champlain made and published a map of the lake which now bears his name. He and his two associates were probably the first civilized men who visited any portion of the territory now included within the limits of Vermont. By virtue of this discovery of Vermont, most of the state was claimed for the king of France, and appears on the old maps as a portion of New France.

Attempted Settlements.— During the early wars between the English and French and Indians, the state was repeatedly traversed by hostile parties, but it was more than a hundred years after its discovery before any permanent settlement was made within its territory.

The first temporary settlement on its soil was made by the French, who built in 1665 a fort called St. Anne, at Sandy Point, Isle La Motte, which was a post of great importance in the early Indian wars. The outlines of this fort are still plainly visible. In 1690 an expedition was sent by the governor of New York to the mouth of Otter Creek, and a small stone fort was built at Chimney Point, in the present town of Addison, to aid in the operations against the Indians. This position was afterward abandoned, but a French settlement was made there by a few families from Canada in 1730, who built a blockhouse and windmill. The next year Fort Frederick, afterwards known as Crown Point, was erected on the opposite side of the lake. Though extensive grants were made along the shores of Lake Champlain by the successive governors of Canada, it does not appear that settlements were made by the French for the purpose of cultivating the soil, except in the vicinity of their forts. These were not extensive, and were abandoned on the approach of the English in 1759.

Permanent Settlements (1724 to 1777). — South and east of Vermont were the Puritan colonies of New England, from which came the earliest permanent settlers of the state. The first permanent occupation of any of the territory of Vermont by civilized men was in the present town of Brattleboro in 1724, when a blockhouse, called Fort Dummer, was built, and a settlement begun on the "Dummer Meadows" near by.¹ This fort was erected by the colony of Massachusetts,

¹ It is claimed by some that a permanent settlement was made as early as 1690 in what is now the town of Vernon.

and was supposed to be within its territory. Its purpose was the protection of the settlers at Northfield, Massachusetts, against the attacks of the French and Indians from Canada. Soon after it was built the Indians attacked it and either killed or carried into captivity many of the settlers. Within the next few years settlements were begun at Westminster and other places in this part of the state, but owing to the hostilities of the Indians, they at first grew but slowly, and some were abandoned altogether. In 1749 Governor Benning Wentworth of New Hampshire granted the township of Bennington, but immigration to this, as well as to the other parts of the state, was soon stopped by the outbreak of the "French and Indian War." In 1760 the war between the French and English was ended, Canada was ceded to Great Britain, and the settlers of Vermont were no longer in fear of hostile incursions. From this time on settlements were rapidly made and were prosperous. Guilford was settled during this year and soon became the most populous town of the state. So eagerly were the lands of what is now Vermont sought, that within three years subsequent to 1760, Governor Wentworth of New Hampshire granted charters for one hundred and thirty-eight townships, six miles square, west of the Connecticut River. Some of these grants were west of the Green Mountains, toward Lake Champlain. The territory now began to be known by the name of "The New Hampshire Grants," and the population was rapidly increasing. But in 1763 the state of New York laid claim to the same territory by virtue of a grant made by Charles II. to the Duke of York one hundred years before. The question of

jurisdiction over the territory was decided by George III. in favor of New York, — that the western bank of the Connecticut River should thereafter be the boundary between New York and New Hampshire. This decision surprised and displeased the colonists; but they submitted to it, supposing that it merely changed the government to which they were subject. They soon found, however, that New York claimed more than this. The settlers were required to repurchase their lands, which some of them did, but which the most refused to do. The lands of those who refused were granted to others; but the new purchasers found it exceedingly difficult to get possession of their property, and the officers sent by New York to eject the original settlers were forcibly resisted and sometimes very roughly handled. This controversy with New York continued for a quarter of a century, and was carried on with great spirit and intense bitterness. The people were greatly excited, and at meetings held in many of the towns, appointed "Committees of Safety" to provide for the common defence. Military companies were also formed which were called "Green Mountain Boys." In this struggle the leader of the New Hampshire Grants was Ethan Allen, "a bold, energetic, self-confident, and sometimes reckless man, ready alike in the use of tongue, pen, and sword, and using them all in a vigorous but rough way." Seth Warner and Remember Baker were his associates. Ira Allen proved himself a keen and sagacious statesman in these trying times. During the latter part of the controversy the little commonwealth was guided by the counsels of Thomas Chittenden, a man of remarkable common sense and prudence.

In the Revolutionary War. — At the opening of the Revolutionary War, the people of the New Hampshire Grants were nominally under the jurisdiction of New York, but practically independent, obeying only the orders of their committees and of their cherished town meetings. From the very first of the war they took a prominent part in organizing resistance to Great Britain, and early commenced operations against the British posts on Lake Champlain. Three weeks after the battle of Lexington, Fort Ticonderoga, held by the British, was taken by Ethan Allen with less than one hundred men. On the same day Colonel Seth Warner took possession of Crown Point. Other captures followed, and within six days Lake Champlain and its fortresses were in the hands of the Americans. The chief actors in these important successes were the Green Mountain Boys.

On the 16th of August, 1777, was fought the battle of Bennington, one of the most eventful in the Revolution. In this battle, a detachment of Burgoyne's army under General Baum was defeated by General Stark of New Hampshire, who commanded a hastily gathered force of militia from New Hampshire, Massachusetts, and every available man from Vermont. The Vermont officers were Colonels Warner, Herrick, Williams, and Brush. A large part of the British force and all their cannon were captured. This was in its effect one of the most important battles of the Revolution. It cheered and animated the Americans and equally disheartened the British, and led the way for the final triumph of the American cause. The event is fittingly commemorated by a monument 301 feet high, on the site of the continental storehouse which the invading army came to capture.

In the War of 1812.—The War of 1812 was unpopular in Vermont. Many of the people were displeased with the action of Congress in the matter, and believed that the disputes between the two countries could be settled better by peaceful negotiations than by war, for which the United States was then poorly prepared. In spite of the feeling, however, as soon as a powerful fleet and enemy menaced the frontier, volunteers sprang to arms and rushed to the front. The government records show that only the more populous states of Massachusetts, New York, Pennsylvania, and Virginia furnished more men for the regular army than this sparsely settled commonwealth. Of the less than five thousand men with whom General Macomb defeated fourteen thousand of the best troops of Great Britain at Plattsburg, Sept. 11th, 1814, over one-half were raw recruits from Vermont. The boats, with which, on the same day, Commodore MacDonough won the most important naval battle of the war, and one of the fiercest naval fights on record, were all built at Vermont ports. His flagship was built at Vergennes, and was afloat within forty days from the cutting of the timber.

In the Civil War.—Vermont's part in the Civil War is one of the proudest chapters in her history. The whole number of men in the state subject to military duty was 60,719. She sent to the war 34,238, over five hundred more than her quota. Of this number, over five thousand lost their lives. A larger proportion of the soldiers from Vermont were killed or mortally wounded in battle than of those from any other northern state. Vermont furnished for the defence of the Union seventeen regiments of infantry, one of cavalry,

three light batteries, and three companies of sharpshooters. Not one of these organizations ever lost a flag in battle. Their flags, bearing the names of the engagements through which they were carried, have all been returned to the state and are kept at the State House. The standard of the first Vermont cavalry is inscribed with the names of seventy-six battles and skirmishes. Vermont troops rendered distinguished service in nearly all the great battles of the war, and at Gettysburg, under their gallant leader, General Stannard, turned the tide of battle in favor of the Union forces.

QUESTIONS ON CHAPTER I.

1. When, and by whom was the territory of Vermont discovered?
2. How long after the discovery before permanent settlements were made?
3. Give an account of the first attempted settlements.
4. Why were the early settlements unsuccessful?
5. When did the settlements begin to be prosperous?
6. From whom were the grants of the land obtained?
7. Give an account of the struggle with New York.
8. What was the condition of the New Hampshire grants at the opening of the Revolutionary War?
9. What part did they take in this war?
10. What was the historic importance of the battle of Bennington?
11. What was the feeling in Vermont in regard to the war of 1812?
12. What part did the people of Vermont take in this war?
13. In some good history of the United States study carefully the battle of Plattsburg.
14. State some facts which prove the quality of the Vermont soldiers.

CHAPTER II.

FORMATION OF THE STATE.

The Conventions of 1777. — A convention representing about twenty towns met at Westminster, January 15, 1777, and after due deliberation declared the district known as the New Hampshire Grants free and independent. They named the new state New Connecticut, and petitioned Congress to grant them representation in that body. After taking measures deemed necessary, they adjourned to meet at Windsor on the 4th of the following June. The Windsor convention met on the day named. They changed the name of the state from New Connecticut to Vermont. They also recommended to the freeholders and inhabitants of each town in the state that they should, on the 23d of June following, choose delegates to attend a general convention at Windsor in July of the same year. The purposes of this convention were to choose delegates to Congress, a committee of safety, and to form a constitution for the state.

Adoption of the Constitution. — This convention met as proposed at Windsor, July 2d, 1777. It was organized by choosing Joseph Bowker, of Rutland, President, and Jonas Fay, of Bennington, Secretary. After listening to a sermon by the Rev. Aaron Hutchinson of Pomfret, they proceeded to the specific business for which they were elected, turning aside,

however, to consider any other necessary matters relating to the new state. They "did compose and agree unanimously on a constitution," and adjourned July 8th.

No official record of this meeting has ever been found, and no full and satisfactory account of it has ever been published. Even the list of its members is not complete, but enough names are known to show that the convention was composed of men of the highest wisdom and courage, and intensely devoted to the interest of the new state. They were statesmen of no ordinary character. Ira Allen, a member of the convention, wrote in 1798 as follows: "A draft of the constitution was laid before the convention, and read. The business being new, and of great consequence, required serious deliberation. The convention had it under consideration when the news of the evacuation of Ticonderoga arrived, which alarmed them very much, as thereby the frontiers of the state were exposed to the inroads of the enemy. The family of the President of the convention, as well as those of many other members, were exposed to the foe. In this awful crisis the convention was for leaving Windsor, but a severe thunder-storm came on, and gave them time to reflect, while other members, less alarmed at the news, called the attention of the whole to finish the constitution, which was then reading paragraph by paragraph for the last time. This was done, and the convention then appointed a council of safety to act during the recess, and the convention adjourned."

This convention is unsurpassed in importance by any other ever held on the soil of Vermont.

Organization of the State Government.—On the first Tuesday of March, 1778, the first election under the constitution was held; and on the 12th of the same month, the Governor and Council and General Assembly began their first session at Windsor. Thomas Chittenden of Williston was Governor, and Joseph Marsh of Hartford, Lieutenant-Governor. At this time the government of the state was vested in a Governor, Council and House of Representatives, but in 1836 the constitution was so amended as to abolish the Council and establish the Senate as a co-ordinate branch of the General Assembly.

Vermont a Sovereign State.—From 1777 to 1791 Vermont existed as an independent government, a nation, and exercised full powers of sovereignty. It coined money, naturalized foreigners, established post-offices and mail routes, with a postmaster-general at their head. It had an attorney-general, regulated the importation and exportation of goods, and made commercial treaties with Canada. During this period Vermont often and earnestly petitioned Congress for recognition as one of the United States. But, mainly through the influence of New York, her petitions were refused until 1791, when she was admitted to the Union as the fourteenth state, and the first admitted after the adoption of the Federal Constitution.

While Vermont was an independent state, portions of the adjoining territories of New York and New Hampshire came at times willingly under the jurisdiction of its laws. At one time more than forty towns of New Hampshire were represented in its legislature, which held one of its sessions at Charlestown, N. H.

The General Assembly held its sessions at different places until 1808, when Montpelier became the capital of the state, and there the sessions have since been held.

THE CONSTITUTION.

The Groundwork. — The model for the constitution of 1777 was found in the Pennsylvania constitution, adopted in 1776, by a convention of which Benjamin Franklin was the President. This was recommended to the Vermont convention as a groundwork by Dr. Thomas Young of Philadelphia, who was an ardent friend of the new state. Through the Pennsylvania constitution, parts of the constitution of Vermont find their origin in the earlier frames of government of the colony of Pennsylvania granted by William Penn, and even in the charter for Pennsylvania granted by King Charles the Second to William Penn.

Amendments. — The constitution adopted in 1777 was amended in 1786. In 1793 a convention met at Windsor to make further changes. After striking out the preamble and making various amendments, by the signature of the President and Secretary they certified the whole constitution as “adopted” by them. This certified constitution, now in the Secretary of State’s office, has prefixed a title-page, with the following words: “The Constitution of Vermont, as adopted by the Convention, holden at Windsor, July fourth, one thousand seven hundred and ninety-three.”

Twenty-eight amendments have since been made. The first twenty-six were adopted by conventions held for that purpose. The twenty-seventh and twenty-

eighth were made in accordance with the present method of amending the constitution. They were proposed by the Senate and concurred in by the House in 1880, concurred in by the Senate and House in 1882, and adopted by a vote of the freemen March 6th, 1883.

Form. — Part First of the constitution is the declaration of rights. It consists of twenty-one articles, and, as its title indicates, asserts the right of the people to self-government. Part Two gives the plan or frame of government. It consists of forty-three sections, and the twenty-eight articles of amendment.

NOTE. — In the following chapters references to the original constitution are made by using the abbreviation "Sec." with the proper numeral; to the amendments by using "Art." with the proper numeral.

QUESTIONS ON CHAPTER II.

1. What important action did the New Hampshire Grants take in 1777?
2. Give an account of the convention which framed the constitution.
3. What was the character of the men who composed it?
4. What was taking place on the west side of the state at this time?
5. Give an account of the organization of the first state government.
6. Describe the political condition of Vermont from 1777 to 1791.
7. Where have the sessions of the General Assembly been held?
8. Trace the origin of portions of the constitution.
9. Give an account of the work of the convention of 1793.
10. Describe Part First of the constitution; Part Second.

CHAPTER III.

TOWNS AND COUNTIES.

The Declaration of Rights. — The declaration of rights, Part First of the constitution, asserts that all power belongs originally to the people and is derived from them ; that therefore all officers of government are their trustees and servants, and are at all times, in a legal way, accountable to them ; and that the people of Vermont have the right to govern themselves and to enjoy the political privileges of freemen.

It is primarily through the town and freemen's meetings that the people exercise these rights and enjoy these privileges. It is here that the will of the people is declared by their votes.

Citizens. — All persons who are native born in this state or in any of the United States, or who have been naturalized agreeably to the acts of Congress, are, by the constitution, declared citizens of the state while residing within the state.

Voters. In Town Meeting. — All male citizens, twenty-one years of age, whose lists of taxable property are taken in any town at the annual assessment next preceding a town meeting, or who are exempt from taxation for any cause, are, while residing in town, voters in town meeting.

Women have the same right as men to vote on all matters pertaining to schools and school officers in

towns, cities, and graded school districts, and the same right to hold offices relating to school affairs, unless otherwise provided.

In Freeman's Meeting.— Every male citizen, twenty-one years or more of age, who has resided in the state one year next preceding a freemen's meeting, is of peaceable behavior and has taken the freeman's oath, can vote in freemen's meeting. (Sec. 21, Art. 1.) He can vote for electors of President and Vice-President, representative to Congress, state and county officers, and judge of probate, in the town in which he resides on the day of the election; but he shall not vote for representative to the General Assembly or justices of the peace, unless he has resided during the three months next preceding the election in the town which is his residence on the day of the election.

Residence.— In determining the right to vote, the town in which the family of a person resides is considered the place of his residence. If he has no family which he supports, his residence is in the town in which he has actually spent his time during the three months next preceding a freemen's meeting; but for the purpose of voting he can, during an absence, retain his residence in a town by filing with the town clerk his intention to do so.

Freeman's Oath.— No person can vote in town or freemen's meeting until he has taken the freeman's oath (Sec. 21), nor can he take this oath until such action is approved by the board of civil authority of the town in which he resides.

TOWNS.

Incorporation.—The General Assembly is empowered to constitute towns, villages, cities, and counties. It may create a town out of a part of another, or unite two or more towns in one. (Sec. 9.)

At present (1895) there are 240 towns, 41 villages, 5 cities, and 14 counties.

Freemen's Meetings.—A freemen's meeting is held in each town in the state on the first Tuesday in September of the even years to elect representatives to Congress, state and county officers, and town representatives. On the Tuesday after the first Monday in November of each year whose number is divisible by four, is held a freemen's meeting in each town to elect presidential electors.

Not less than twelve nor more than twenty days before an election of state and county officers, and not less than six nor more than fifteen days before an election of electors, there must be posted in at least three public places a notice warning the freemen to meet at a specified time at the usual place, and elect the officers necessary to be chosen. It is the duty of the constable, or in his absence of the town clerk, or in their absence of a selectman, to post these warnings.

Elections.¹—The election of state and county officers, representatives to the General Assembly, representatives to Congress, or electors, is often in the statutes called a "general election," while a city, town, or village election

¹ In following this topic study carefully the sample ballot printed on pages 88-90.

is called a "local election." For convenience these terms will often be so used in this book.

The method of electing the various officers chosen at freemen's meeting is the same throughout the state, and is in accordance with laws made by the General Assembly. The purpose of these laws is to promote purity of elections and secure secrecy of the ballot. The most important steps in the process are the nomination of candidates, the making of check lists, the preparation of ballots and voting places, the voting and the counting of the votes.

Nominations. — Every candidate for office whose name may be printed upon the official ballot is nominated by a convention of voters of his political party, or by a committee appointed by such convention, or by a certificate of nomination signed by a specified number of the voters in the political division for which such nomination is made. A certificate of each nomination must be properly made out and deposited within a given time with the secretary or clerk of the political division for which the election is to be held. (See note, page 90.)

Check Lists. — At least thirty days before an election of state and county officers the selectmen in each town post in at least two public places a list of all persons qualified to vote in such meeting, and also file a copy in the town clerk's office. Till the day of election this check list can, with certain limitations, be revised by the board of civil authority. No person can vote for any of the officers to be elected at a freemen's meeting in any town unless his name is on the check list. Nor can the vote of any person whose name is on the check list be rejected. At an election of presidential electors the

check list used at the previous freemen's meeting, with such revision as may lawfully be made, is used. Under certain conditions a check list is required in town and village elections.

Ballots. — Ballots to be used at general elections are printed under direction of the county clerks and at the expense of the respective counties; except those for representative to the General Assembly and for justices, which are printed under direction of the clerk, and at the expense, of the town or city in which they are to be used. Ballots for local elections are prepared by the clerk, and at the expense, of the city, town, or village in which the election is to be held.

The clerks deliver them to the officers who preside at the polling places. The law specifies in what order the candidates of the different parties shall be printed upon the ballots.

Polling Places. — At least five days before an election the board of civil authority in each town, trustees in each village, and the officers whose duty it is to sign the warning in each city, determine the number and situation of the polling places, and provide "a sufficient number of voting booths, in which voters may conveniently mark their ballots and in the marking thereof be screened from the observation of others."

The law specifies the number and size of the voting booths, and that a guard rail shall be so placed that only the election officers and the freemen as they are admitted to vote can approach within six feet of the ballot boxes and voting booths.

Election Officers. — The presiding officer at a general election is a constable, or in his absence a select-

man, or in their absence a justice of the peace. The moderator presides over town elections, and the officers designated by law over village and city elections. At each polling place there are four ballot clerks, who keep the ballots within the polling place, in plain view of the public, and deliver them to the qualified voters as they pass in to vote. They assist the board of civil authority in counting the votes. As each voter passes inside the guard rail, the town clerk and his deputies check his name upon the check list.

Process of Voting.—A person desiring to vote announces his name and place of residence to the ballot clerk, and if such name is found upon the check-list, he is allowed to enter the space enclosed by the guard rail and receives an official ballot from the ballot clerk. He at once goes alone to one of the “booths” and prepares his ballot by marking in the appropriate place a cross opposite the name of the candidate of his choice for each office; or by filling the name of the candidate of his choice in the blank space provided therefor and marking a cross opposite the name so filled in; or, if he desires to vote for the entire list of candidates in any column, by placing a cross in the square over such column. A voter must not allow any one to see how he has marked his ballot, but if by reason of physical or mental disability he is unable to mark his ballot, he may choose a member of the board of civil authority to assist him. Before leaving the booth the voter folds his ballot, without displaying the marks thereon, and then delivers it to the presiding officer who deposits it in the ballot box. If the voter marks more names than there are persons to be elected to any office, or if for any reason

it is impossible to determine the voter's choice for any office, his vote is not counted.

Counting the Votes. — The votes cast at both “general” and “local” elections are counted by such members of the board of civil authority as may be present, assisted by the deputy clerks and the ballot clerks. When a representative to the General Assembly is elected the presiding officer declares the same, and gives to the person elected a certificate of election. Two lists of the votes for state and county officers and representatives to Congress are made. Of the lists for senators and county commissioner, one is sent by the town representative to the president of the senate; the other is delivered to the county clerk, who canvasses the same, makes a record of the result, and sends a copy of this record to the senate. He issues to the persons elected certificates of their election. (Art. 5.) Of the lists of votes for the other county officers, state officers, and representative to Congress, one is forwarded by mail to the secretary of state, and the other is sent by the town representative to the committees of the General Assembly appointed to canvass the same. These committees report to the General Assembly the names of the persons elected. (Arts. 9, 20.)

Town Meeting. — In Vermont, as in the other New England States, the local unit of government is the town. The annual town meeting is held on the first Tuesday in March; but the selectmen may call special meetings whenever necessary, and must do so on the application of six voters. A town meeting must be warned by the selectmen, by a notice posted in three public places in town at least twelve days before the

meeting, setting forth the business to be done and the subjects to be considered at the meeting. (See page 84.) This warning is recorded in the town clerk's office.

Business of Town Meeting. — The New England town is the nearest approach, in this country, to a government by the people. Here the people, as a body, determine all questions by a majority vote. They levy taxes, take action in regard to the maintenance of schools, highways, bridges, etc., and do any other business necessary for the proper conduct of town affairs. All questions are usually decided by a yea and nay vote. Even in the town the people delegate to the officers whom they elect the executive function of the government. Hence one of the most important items of business at the annual town meeting is the election of town officers. In towns of more than eight thousand inhabitants the method of election is that described under "Freemen's Meeting." This is also the method in towns of from four to eight thousand inhabitants, if the people so direct by vote. In all other towns the officers are generally elected, as the other business is done, by a yea and nay vote, but upon the demand of three voters present certain of the officers must be elected by ballot. The law prescribes that the road commissioner shall be elected by ballot. The more important town officers are a moderator, town clerk, selectmen, treasurer, overseer of the poor, constable, collector of taxes, listers, auditors, road commissioner, school directors, and town agent. (See sample ballot on page 85-87.)

Moderator. — The moderator presides at town meetings, decides questions of order, declares votes passed, and preserves order.

Town Clerk. — It is the duty of the town clerk to keep a record of all business done in town meeting ; of births, marriages, and deaths ; and of all deeds, mortgages, and instruments and evidences respecting the sale and ownership of real estate.

Women twenty-one years of age are eligible to this office.

Selectmen. — They have the general supervision of the affairs of the town. They are three, four, or five in number, as the voters may decide. The towns generally elect three. They call town meetings and decide what articles shall be put in the warning ; they lay out, alter, and discontinue highways, and have the care of lands granted for the support of schools and of religious worship ; they make out tax bills ; they audit, and in their discretion allow, claims against the town, and draw orders upon the treasurer for their payment ; in certain cases they assess taxes ; they can fill vacancies in any town office until an election can be held.

Treasurer. — This important officer receives and disburses the funds of the town ; he pays claims against the town, on the orders of the selectmen or other authorized officers ; and makes an annual report to the town of all moneys received and paid out.

Overseer of the Poor. — The overseer of the poor has care of the poor of the town so long as they are dependent on the town, and must see that they are relieved, supported, and employed.

Constable. — The constable has power to serve warrants, writs, and other legal processes as directed by law ; to collect taxes when no other provision is made

for their collection ; to preserve the peace ; and to warn and preside in freemen's meeting.

Listers. — Each town elects from three to five listers, whose duty it is to make up the Grand List as the basis of taxation. The Grand List is the sum of the property list and the poll list.

The property list is one per cent of the appraised valuation of all the taxable property.

The poll list is two dollars for every taxable poll, or man, over twenty-one and under seventy years of age, not specially exempt.

The state, state school, state highway, and county taxes above a certain per cent are fixed by the General Assembly ; a county tax to the amount of one per cent can be levied by the assistant judges in the several counties, to meet the expenses thereof ; town taxes can be fixed by the voters of the town.

Towards meeting state expenses the General Assembly levies a tax upon corporations doing business within the state. This is paid directly to the state treasurer. All the other taxes are collected by a town officer, and by the town treasurer are paid over to the county or state treasurer.

Auditors. — The auditors examine and adjust the accounts of the town officers.

Road Commissioner. — The road commissioner superintends the expenditure of the highway tax, has charge of and keeps in repair the highways in his town.

Town Agent. — Each town elects a town agent to prosecute and defend suits in which the town is interested.

Board of Civil Authority. — The town clerk, selectmen, and justices of the peace residing in any town con-

stitute for that town the board of civil authority. This board has powers to nominate jurors, to appoint and remove certain town officers, to hear appeals from the action of the listers, to correct check lists, to decide the right of any person to vote when challenged, together with the deputy clerks and ballot clerks to canvass votes, and together with the listers to abate taxes. In cities the mayor and board of aldermen constitute the board of civil authority.

Cities and Villages. — Vermont has five cities and forty-one villages which conduct their local affairs in accordance with special charters granted them by the General Assembly. The organization and government of the cities are essentially the same and can be best studied from their charters.

The city is divided into wards. The principal officer is the mayor, who is in general terms the executive department. The legislative department is the board of aldermen, the members of which are elected in, and represent the different wards. The mayor and board of aldermen often act together and are called the city council. The cities of Vermont, in the order of their establishment, are Vergennes, Burlington, Rutland, Montpelier, Barre.

Villages. — The chief executive officers of a village are usually three or more trustees, or bailiffs, with sometimes a village president. These officers perform practically the same duties for the village that the selectmen do for the town. The inhabitants of the village are still subject to the regulations and government of the town, and take part in its civil affairs. The charter of the village, however, makes it a political

community, in a measure distinct by itself. It enumerates its privileges, designates its officers and their duties, and empowers its government to act in some matters independent of the town government. These matters are chiefly to care for and light the streets, to lay out and care for parks, to construct sewers, to maintain a police force and fire department, to provide a water supply, to regulate the erection of buildings, to license pedlers, and to do many other things for the interests of its inhabitants.

COUNTIES.

Purposes of County Organization. — The state is divided into fourteen counties, the organization of which has reference chiefly to the sessions of courts, the maintenance of jails and court-houses, and the prevention and punishment of crime. In each county one town, most conveniently located, is called the shire town, in which the court-house and jail are located and most of the county business is done. Bennington County has two shire (or half-shire) towns.

County Officers. — The principal county officers are judges of probate, assistant judges, sheriff, high bailiff, state's attorney, county commissioner, clerk, auditor, treasurer, and examiner of teachers.

How Chosen. — The examiner of teachers is appointed biennially by the state superintendent of education and the governor. The clerk, auditor, and treasurer are appointed by the county court. The clerk serves during the pleasure of the court; the term of office of the auditor and the treasurer is two years. The other county

officers named are elected biennially at the freemen's meeting. A plurality vote only is required to elect. (Arts. 15, 16, 19, 20, 24.)

Duties. — The judges of probate and the assistant judges belong properly to the "Judicial Department," and their duties will be fully considered there. In addition to their judicial duties the assistant judges have the care and superintendence of the county property, — may buy or lease lands for the county, and may sell lands belonging to it. They examine certain claims against the county, and may authorize a tax, not to exceed a certain per cent fixed by law, to pay county expenses.

Sheriff. — It is the duty of this officer and his deputies to arrest persons charged with crime, and confine them until they have a trial ; under the general direction of the county judges to have charge of the county jail ; to attend the county courts, and during its sessions to have the custody of the prisoners, witnesses, and jury, and to execute the sentence of the courts ; to serve writs and preserve the peace. He appoints his deputies, for whose official acts he is liable. (Sec. 26.)

The **high bailiff** performs the duties of the sheriff when for any reason that officer is disqualified, and may serve processes upon the sheriff.

State's Attorney. — It is the duty of the state's attorney to prosecute on behalf of the state all persons charged with the commission of crime or offences against the law, and to conduct such cases before the courts ; to represent the state in all civil actions to which it is a party ; to collect forfeitures, penalties, and other sums due the state or county ; and, in general, to act

for the state in all cases in which its legal interests are affected.

The **county clerk** is clerk of the supreme and county courts, and of the court of chancery, for the county. He keeps a record of judgments rendered, and docketts of the cases pending in the respective courts; records any other proceeding that the court may direct; may make and sign processes issuing from the court under the direction of the court; and gives to any person on demand and tender of the legal fees certified copies of any of the records of his office under the seal of the proper court.

The county auditor and treasurer perform the duties that usually belong to such officers.

The examiner of teachers belongs to the educational department of the state. His office and its duties will be treated under "Education," Chapter V.

County Commissioner. — The duties of the county commissioner relate chiefly to the sale of intoxicating liquors. The most important is to appoint an agent for each town to sell liquor to be used for medicinal, chemical, and mechanical purposes only.

Congressional Districts. — The state is divided into two congressional districts for the election of representatives to Congress. The districts are as follows: —

First District: Addison, Bennington, Chittenden, Franklin, Grand Isle, Lamoille, and Rutland Counties.

Second District: Caledonia, Essex, Orange, Orleans, Washington, Windham, and Windsor Counties.

QUESTIONS ON CHAPTER III.

1. Through what do the people of Vermont exercise their political powers?
2. Who are citizens of Vermont?
3. Who are voters?
4. What is meant by residence?
5. Study carefully the "Town Meeting," as to the time of holding, the business done, and the manner of conducting the meeting.
6. Who constitute the Board of Civil Authority?
7. What are its duties?
8. Define a village.
9. What are the purposes of county organization?
10. Name the county officers.
11. What are the duties of State's Attorney?
12. How is the state divided for representation in Congress?

CHAPTER IV.

THE LEGISLATIVE DEPARTMENT.

THE legislative power of this state is exercised by a Senate and House of Representatives. These together are styled "The General Assembly of the State of Vermont." (Art. 3.)

The Senate. — The Senate was established by amendments to the constitution in 1836. It is composed of thirty members, who are apportioned to the different counties according to their population. The General Assembly makes a new apportionment of the senators to the several counties after each United States census, or census taken for that purpose, but the constitution provides that each county shall elect at least one senator. To be eligible to the office of senator a person must be at least thirty years of age. (Arts. 5, 23, 24.)

The Senate is regularly presided over by the Lieutenant-Governor, but elects one of its own number president *pro tempore*, to preside in the absence, for any reason, of the Lieutenant-Governor. The President of the Senate presides also over the Senate and House of Representatives when they meet in joint assembly, and in all cases has a casting-vote, but no other. The Senate also elects a chaplain, and a secretary, who appoints an assistant secretary. They keep a record of its proceedings. The chaplain and secretaries are not members of the body which they serve. (Art. 6.)

Impeachment. — The Senate has sole power to try all cases of impeachment; to determine whether the Governor shall command in person the forces of the state in time of war or insurrection; to propose amendments to the constitution, and to confirm certain appointments made by the Governor.

In case of the impeachment of any officer of the state for misconduct in office, the Senate sits as a court of impeachment, and the members shall be on oath or affirmation to try the case truly and impartially. No person shall be convicted without the concurrence of two-thirds of the members present. If the impeached officer is convicted, the Senate can inflict as a punishment only removal from office and disqualification to hold any office of honor, profit, or trust under the state; but the party convicted may also be tried for his offence by the courts of the state, and, if convicted, punished therefor under the laws. (Sec. 24, Art. 7.)

House of Representatives. — The constitution provides that the House of Representatives “shall consist of persons most noted for wisdom and virtue, to be chosen by ballot by the freemen of every town in this state.” Each organized town or city has one representative, hence all have equal power in this branch of the General Assembly. To be legally qualified to serve as town representative, a person must have resided at least two years in the state, the last of which shall be in the town for which he is elected. (Secs. 7, 8, 18.)

Organization and Officers. — At the opening of the session the Secretary of State calls the House to order, calls the roll of the certified members, administers the oath¹ required by the constitution, and directs the House

¹ Sec. 29, Art. 27.

to choose by ballot one of their number as speaker. When the speaker is chosen, he takes the chair, and the duties of the Secretary of State in the organization of the House cease. The House then elects a chaplain and clerk, who are not from its membership. The clerk appoints two assistants, for whose acts he is responsible.

The speaker presides over the House, appoints committees, and votes in certain cases. The clerk and his assistants keep a record of the proceedings.

The House of Representatives¹ has the sole power to order impeachments, which shall in all cases be by a vote of two-thirds of its members. All revenue bills must originate in the House of Representatives, but the Senate may propose or concur in amendments to the same.

Election of Members. — Members of both branches of the General Assembly are elected by the freemen of the state on the first Tuesday of September of the even years. A senator may be elected by a plurality vote, but a majority of all the votes cast is required to elect a representative. Their term of office is two years, beginning on the first Wednesday of October following their election. No person can be a member of either house who holds, or held at the time of his election, any office of profit or trust under the authority of Congress. (Secs. 8, 26, Art. 24.)

Salaries. — The salaries of all state officials are fixed by the General Assembly and have been changed from time to time. The members of both houses are paid by the day during the session, and are allowed besides ten cents a mile for travel between their homes and the capital. At present (1895) the president of the Senate and the speaker of the House receive each six dollars,

¹ Arts. 3, 25.

and the other members three dollars a day. The salary of the secretary of the Senate is \$425 for the term ; that of the clerk of the House is \$600.

Sergeant-at-arms. — The sergeant-at-arms is elected by the two houses in joint assembly. He has the care of the State House, furniture, and public grounds. He employs during the session of the General Assembly the doorkeepers, assistants, clerks, messengers, and other persons necessary for the care of the State House.

Biennial Sessions. — The regular biennial session of the General Assembly begins on the first Wednesday of October of the even years and closes, usually, before the 1st of December of the same year. Special sessions can be called, when necessary, by the Governor. Neither house, during the session of the General Assembly, shall adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting. In case they do not agree as to time of adjournment, the Governor may adjourn them to such time as he may think proper. (Sec. 11, Arts. 3, 24.)

Returns and Qualifications. — Each house is the judge of the returns and qualifications of its own members and makes its own rules of order and procedure. A majority of all the members constitutes a quorum, and is necessary for the transaction of business. For raising a state tax two-thirds of the members must be present to constitute a quorum. (Sec. 9, Art. 6.)

All the proceedings of the General Assembly are public, except when the welfare of the state requires secrecy. Each house keeps a journal, which is published, when one-third of the members think it neces-

sary, as soon as convenient after the end of each session.

The Making of Laws. — The General Assembly has the power to make all necessary laws for the state that are not contrary to the constitution of the state, or of the United States. The first step in the enactment of a law is the introduction of a bill, and any bill may originate in either house, except bills for raising revenue, which must originate in the House of Representatives. To secure the passage of a bill a majority of each house must agree upon its exact terms. The enacting clause of all laws is prescribed by the constitution. (Sec. 15.)

The method of procedure is practically the same in both branches of the General Assembly, and is determined by the "Rules of Order," which are made by the houses themselves. First, a member asks permission to introduce a bill and gives its title. It is then taken to the secretary or clerk, who reads it twice (the second time, usually, by title only), and then if no objection is made, it is referred by the presiding officer to the appropriate committee. The committee after carefully considering the bill report it back to the house and recommend that it pass, or that it do not pass, as in their judgment seems best. They may propose amendments to a bill or report a substitute bill. After it is returned by the committee, it is taken up and discussed, and if a majority favor it, is ordered to a third reading, the time for which is usually stated by the presiding officer. At this final reading the bill may again be discussed, and then by vote is passed, lost, or further postponed. The final steps in the process of law-making are given in Article 11 of the Amendments to the Constitution.

Committees. — To facilitate the transaction of business, each house has appropriate committees, to which all bills are referred. In the House these committees are appointed by the speaker; in the Senate they are chosen by the members themselves. Public hearings before the committees are often given those who favor or oppose bills. In this way people reach and influence legislation most readily.

Election of United States Senators and Other Officers. — One of the most important duties of the General Assembly is the election of United States senators. The method of procedure is described on p. 82, "Elements of Civil Government." The General Assembly also elects certain state officers, among whom are the judges of the Supreme Court, state superintendent of education, trustees of the university on the part of the agricultural college, brigade commander, adjutant and inspector general, quartermaster general, and judge-advocate-general.

Amendments. — The constitution can be amended by the following process, found in Article 25 of the Amendments: At the session of the General Assembly in any year divisible by ten, the Senate may by a two-thirds vote of its members propose an amendment; it is then considered by the House of Representatives, and if a majority of its members vote for it, it is referred to the next General Assembly. Meantime, it is published in the principal newspapers of the state; it is taken up by the next General Assembly, and if a majority of the members of each house favor it, it is the duty of the General Assembly to submit it to the direct vote of the people; the General Assembly directs

when and how this vote shall be taken; if the proposed amendment receives a majority of the votes of the freemen voting thereon, it becomes a part of the constitution. This fact is declared by the Governor in an official proclamation.

QUESTIONS ON CHAPTER IV.

1. In what is the legislative power vested?
2. Name the officers of the Senate.
3. How are they chosen?
4. How are senators elected?
5. Name the special powers of the Senate.
6. Of what does the House of Representatives consist?
7. Qualifications of a representative?
8. Describe the organization of the House.
9. What are the special powers of the House?
10. What is the salary of members of the General Assembly?
11. What are the duties of the sergeant-at-arms?
12. When does the General Assembly meet?
13. Give a complete outline of the process of law-making.
14. How can the constitution be amended?

CHAPTER V.

EXECUTIVE DEPARTMENT.

Officers. — In accordance with the constitution of Vermont, the supreme executive power is exercised by the Governor, or, in his absence, by the Lieutenant-Governor.¹ The other chief executive officers are the Treasurer, Auditor of Accounts, and Secretary of State.

Election. — The constitution specifies that all of these officers shall be elected biennially, on the first Tuesday of September of the even years, by the freemen of the state. A majority vote is required to elect. If in any case there is no election by the freemen, the Senate and House of Representatives elect to fill the office by joint ballot. (Sec. 10, Arts. 9, 24, 28.)

Eligibility. — A person must have resided in the state four years next preceding the election to be eligible to the office of Governor or Lieutenant-Governor. A two-years residence is required in the case of the Treasurer, Auditor, and Secretary of State. No person holding an office of profit or trust under the government of the United States can be legally elected to an executive or judicial office in this state. On entering upon the execution of his office, every officer, whether executive or judicial, takes an oath of allegiance to the state and to support the constitution thereof, and also to perform faithfully the duties of his office. (Secs. 26, 29, 30, 39.)

Salaries. — These officers receive salaries which are

fixed by the Legislature. The annual salary of the Governor is \$1500; of the Treasurer, \$1700; of the Secretary of State, \$1700; of the Auditor of Accounts, \$2000 and expenses while performing certain duties of his office. The Lieutenant-Governor receives six dollars a day during the sessions of the Legislature, and an allowance for travelling expenses. (Sec. 25.)

Governor; Military Powers. — The Governor is commander-in-chief of the military forces of the state. He directs as to the enrollment, arming, drilling, and officering of the militia. He commissions the officers, orders courts of inquiry, designates times for drills, and prescribes rules for the safe keeping of military stores. It is his duty to see that all the laws are faithfully and impartially executed. In cases of riot, rebellion, or insurrection within the state, in case of an invasion or imminent danger of one, or in case of resistance to the civil authorities too formidable for them to cope with, it is his duty to call out the militia. Upon the requisition of the President of the United States, the Governor calls out the militia into the service of the United States. In this case it is subject to the orders of the President, and is cared for by Congress like the regular army. (Sec. 11, Art. 8.)

Legislative Powers. — The Governor has an important part in all legislation, as he has the power to veto all acts passed by the General Assembly, which in his judgment do not tend to promote the public good. These measures may, however, be passed, notwithstanding his objections, if a majority of each house approves them, and re-affirms them by a yea and nay vote. They then become laws, the same as if they had received the

approval of the Governor. As a matter of fact, however, but few measures are passed over the Governor's veto. (Art. 11.)

Message. — At the beginning of the term of office, the Governor presents to the General Assembly and to the people information concerning the condition of the affairs of the state, and makes recommendations for such legislation as he thinks will promote the public good.

Appointing Power. — By the constitution,¹ the Governor is empowered to commission all officers, and to appoint all officers except where provision is or shall be otherwise made by law or the constitution. He has power also to fill any vacancy in any office until the office can be filled in the manner directed by law or the constitution. By law he has the appointment of the number of subordinate officers, some of whom, however, are subject to confirmation by the Senate. Among the officers whose appointment rests wholly or in part with the Governor, are the inspector of finance, fish commissioners, commissioner of state taxes, railroad commissioners, superintendent and directors of state prison and house of correction, board of agriculture and of health, state geologist, and normal school examiners. Over some officers he has the power of removal, or of suspension from their duties, for misconduct in office.

Pardoning Power. — In the Governor is vested the power to grant pardons and remit fines, in all cases except treason, murder, and impeachment. In cases of treason and murder, he can grant reprieves until after the end of the next session of the General Assembly.¹

Miscellaneous Powers. — If in any congressional

¹ Sec. 11.

district there is a failure to elect, or a vacancy occurs in any district, the Governor proclaims a special election. He furnishes credentials to members of Congress. By virtue of his office, he is trustee of the state library, a director of the state prison and house of correction, a member of the board of agriculture, and of the board of trustees of the University of Vermont. He can call special sessions of the General Assembly, and adjourn the General Assembly when the two houses cannot agree upon adjournment. He appoints and has at all times the services of a secretary of civil and military affairs, for whose compensation provision is made by law. In the office of the Governor is kept the Great Seal of the state. (Sec. 23, Art. 8.)

Lieutenant-Governor. — The duties of the Lieutenant-Governor as presiding officer of the Senate are given under the "Legislative Department." In case of the death or disability of the Governor, the Lieutenant-Governor acts in his stead until the end of the term, unless such disability is removed, assuming all powers and duties of that officer.¹ He is a director of the state prison and house of correction. The Lieutenant-Governor, the Secretary of State, and speaker of the House of Representatives, constitute a board for canvassing the votes for presidential electors.

Treasurer. — The Treasurer receives all the moneys due the state from whatever source; holds in his possession all the bonds and other securities belonging to the state; changes the form of investment thereof whenever deemed desirable; borrows money in behalf of the state; and pays all bills against the state upon the orders of the Auditor of Accounts or county clerks.²

¹ Art. 8.

² Sec. 17.

He issues warrants for state taxes, and apportions the United States deposit money. The Treasurer and the Secretary of State are the insurance commissioners for the state, and the Treasurer keeps the deposits required of life insurance companies for the benefit of policy-holders. In his office are kept the standard scales, weights, and measures furnished by the general government. (Sec. 28, Art. 22.)

Auditor of Accounts. — The Auditor examines all accounts and vouchers, decides upon the correct sums owed by the state, and draws orders therefor upon the Treasurer for their payment. He has the general management of suits in favor of the state, and may adjust and settle the same as the interests of the state demand. With the advice and consent of the Governor, he may rent or sell any property belonging to the state. He visits twice each year each county, and audits the accounts of sheriffs, county clerks, judges of probate, and other officers. He makes a report to the Governor of the receipts and disbursements of the state for each fiscal year, properly classified; and makes suggestions for such changes in the laws as would contribute to a faithful accounting for the public funds. (Art. 28.)

Secretary of State. — In the office of the Secretary of State are kept the records of the state, its laws, and a representation of its coat-of-arms. The Secretary of State publishes the laws; together with the Auditor and the state librarian, he contracts for the state printing and the stationery furnished by the state; publishes the registration report of births, marriages and deaths; sends out blanks to town and county officers for such information as he may require; appoints his own deputies, for whom

he is responsible to the state ; furnishes to towns blank books for the grand list. He is president of the state board for equalizing taxes, and a trustee of the state library. He is clerk of the Senate and House of Representatives when they meet in joint session.

Education ; State Superintendent of Education. — The State Superintendent of Education is elected biennially by the General Assembly by joint ballot. He is at the head of the school system of the state. He makes a biennial report to the General Assembly, giving them full information of educational matters, and recommending such measures as he believes will increase the efficiency of the public schools. The general management of all teachers' institutes is under his supervision ; he visits the different parts of the state, lectures upon educational topics, investigates the condition of the schools, and confers and advises with school officers and teachers. All questions to be used in the public examination of teachers are prepared by the State Superintendent of Education, and by him are sent to the county examiners. He has a salary of \$2000, with an allowance of \$1000 for travelling expenses and clerk hire.

Examiner of Teachers. — In each county there is an examiner of teachers, who is appointed biennially by the state superintendent of education and the governor, and who must be an actual resident of the county in which appointed. The examiner conducts the examinations of teachers for the county, under the direction of the state superintendent of education arranges and assists in the work of the institutes, and furnishes such statistical information as may be required ; and makes a biennial

report to the state superintendent of education of the work, with such suggestions as may seem advisable. They receive \$4 per day for actual work and an allowance for expenses not to exceed \$2 a day.

Town Superintendent of Schools. — The town superintendent of schools, elected by the school directors, has direct supervision of the schools of the town, may issue under certain limitations permits to teach, and has power to dismiss a teacher proved incompetent. He makes a report to the state superintendent of education, and usually to the selectmen of the town, of the condition of the schools under his supervision.

Compulsory Attendance. — Each town is required by law to maintain for at least twenty-eight weeks each year one or more free schools, and every child between the ages of eight and fourteen is required to attend school at least twenty weeks each year. (Sec. 41.)

School System. — Each town has control of its schools in accordance with laws made by the General Assembly. The direct management of the schools is in the hands of three school directors in each town, who serve for three years, and are elected, one each year, at town meeting. They have the care of the school property; determine the number and location of the schools; employ and discharge teachers; elect annually a superintendent of schools and fix his compensation. They select and furnish at the expense of the town all text-books and appliances used in the studies required by law to be taught in the public schools. The revenue for the support of schools is derived partly from the rent of lands and the interest

on funds held by the state, but chiefly from town and district taxes. The cities and large towns have graded schools, including high schools, which are organized and maintained in accordance with the provisions of special charters granted by the General Assembly.

The state has three normal schools under the control and direction of the State Superintendent of Education. In the management of the affairs of the University of Vermont and State Agricultural College, the state is represented by nine trustees who serve with an equal number on the part of the University.

Inspector of Finance. — The Inspector of Finance examines the accounts of the State Treasurer and the Auditor of Accounts, and reports upon the same ; holds the bonds of treasurers of savings banks and trust companies ; annually, at least, examines the affairs of every trust company and savings bank, and reports upon the same in the interest of the depositors. He cannot be a stockholder or an officer in any savings bank or trust company.

State Boards and Commissions. — To aid in the conduct of the business of the state, certain boards and commissions have been created by the General Assembly. The most important are the Board of Agriculture, consisting of the Governor, the president of the State University, and six other persons. The purposes of this board are the improvement of agriculture and the general interests of husbandry and forestry, and the promotion of agricultural education throughout the state.

The Board of Health, whose duty it is to inquire into the causes of disease, especially epidemics, and the

means of prevention ; to investigate the sources of mortality, and the effects of localities, employments, habits, and circumstances of life upon the public health. They make an annual report to the Governor of their investigations, discoveries, and recommendations.

The Railroad Commissioners. — It is the duty of this board to examine into and keep themselves informed of the condition of all railroads in the state, and the manner in which they are operated with reference to the security and accommodation of the public, and their compliance with the laws of the state. It is its duty to investigate the cause of accidents resulting in loss of life or injury to persons.

Fish Commissioners. — It is their duty to devise and enforce measures for protecting and propagating fish in the waters in the state.

Other boards are the Directors of the State Prison, Trustees of the Industrial School, Supervisors of the Insane, whose duties are readily indicated by their titles.

The Militia.¹ — The militia of the state is composed of two classes, — the unorganized and the organized.

By an enactment of the General Assembly, all able-bodied male citizens of the state, between the ages of eighteen and forty-five, are liable to perform military duty, and are enrolled in the militia. The listers of each town make the enrollment at the time and in the manner prescribed by the commander-in-chief. United States officers, telegraph operators, and certain persons employed on railroads and steamboats which carry the United States mails are exempt.

The organized militia is styled the National Guard of Vermont, and, as at present constituted, consists of one

¹ Sec. 22.

regiment of volunteer infantry, of twelve companies of fifty-one officers and men each ; and a battery of light artillery, consisting of not more than eighty officers and men. They are armed, drilled, and disciplined under such regulations as the commander-in-chief prescribes.

Officers. — There are the usual company and regimental officers. The superior officers are a surgeon-general, a brigade commander, an adjutant and inspector general, a quartermaster-general, and a judge-advocate-general, — each with the rank of a brigadier general. The company officers are elected by the members of their respective companies, and the regimental officers are chosen by the company officers. The surgeon-general is appointed by the governor ; the other superior officers are elected by the General Assembly.

QUESTIONS ON CHAPTER V.

1. Who exercises the chief executive power of the state?
2. When and how are the executive officers elected?
3. Who are eligible to these offices?
4. Name the salaries of the state officers.
5. What are the military powers of the Governor?
6. What has the Governor to do with law-making?
7. Name some of the officers appointed by the Governor.
8. Is his appointment final in these cases?
9. With what department are most of the duties of the Lieutenant-Governor connected?
10. Name the duties of the Treasurer.
11. What are the duties of the Auditor of Accounts?
12. Who is at the head of the school system of the state?
13. Who has immediate supervision of the schools in the towns?
14. How are the different school officers elected?
15. Give a complete outline of the school system of the state.
16. Describe the state militia.

CHAPTER VI.

JUDICIAL DEPARTMENT.

THE judicial powers¹ of the state are vested in a Supreme Court, a Court of Chancery, a County Court in each county, a Probate Court in each probate district, and in Justices of the Peace in the several towns.

Judges : how chosen. — All the judges of the different courts are elected biennially. The judges of the supreme court, who are also chancellors for the state and exercise the powers of the court of chancery, are elected by the General Assembly. All of the other judges are elected at freemen's meeting : the assistant judges of the county court, by the freemen of the respective counties ; the judges of probate, by the freemen of the various probate districts ; the justices of the peace, by the freemen of the respective towns. Each town elects from one to fifteen, according to its population. (Arts. 14, 17, 18, 19, 24.)

There are also municipal courts in some of the cities and larger towns, established by special acts of the Legislature. The judges are appointed biennially by the governor.

Salaries. — The salaries of the various judicial officers are fixed by law and have been changed from time to time. In some cases they are stated sums paid from the treasury of the state ; in others they are made up in part or entire of fees for the particular services ren-

¹ Secs. 4, 5.

dered. At present the judges of the supreme court receive \$3000 a year and \$300 for expenses while absent from home on official business. They are forbidden to receive any fees as judge or chancellor.

Justice Courts. — A justice court may be held in any town by any justice of the county. This court has, in general, jurisdiction in civil cases where the sum involved does not exceed \$200. Minor criminal cases may also be tried here and the penalty imposed. Persons charged with crime, the gravity of which is beyond the jurisdiction of this court, may yet be arrested upon its warrant, and if probable guilt is shown, either be released upon bail or committed to jail to await the action of a higher court. A suit before a justice shall be tried by jury at the request of either party, the jury in this case to consist of six persons. Civil cases involving a certain amount can be appealed to the county court. In criminal cases, if the decision of the court is against him, the accused can take an appeal to the county court, if demanded within two hours after the decision is rendered.

Municipal Courts. — Municipal Courts are practically justice courts with enlarged jurisdiction. An appeal can be taken from the municipal court to the county court, or a case may be carried directly to the supreme court on a question of law.

Probate Courts. — The state is divided into twenty probate districts, in each of which is a probate court presided over by a single judge. Eight of the counties have each a single probate district and in the others there are two each. The probate court is held as often as once a month, and is open at all times for the trans-

action of ordinary business. It has the power to prove and establish or to disallow wills ; to select guardians for children under age, and for others who are for any legal reason incapable of managing their property ; to settle the estates of deceased persons and wards ; to consent to the adoption of children and to changes of names. Appeals are allowed from the probate courts to the county courts.

Courts of Insolvency. — In the several probate districts are established courts of insolvency, and the judges and registers of probate are judges and registers of these courts. Sessions of these courts are held at the places for holding probate courts at such time as the judges appoint, and may be held at other places for the convenience of the public within the respective probate districts. The business of this court is clearly indicated by its name.

The County Court. — The County Court is the next higher court, and consists of one chief judge, who is a judge of the supreme court, and two assistant judges, any two of whom shall be a quorum, though one judge may try a case pending in such court when the other judges are disqualified to try such case. Two terms of each county court are held each year at the time and place fixed by law, and the chief judge of any county court may at his discretion order a special session of such court for the trial of criminal cases.

A suit in a county court may either be begun there, or it may have been appealed from a lower court. The county court has original and exclusive jurisdiction of all civil and criminal cases except such as can be legally tried by a justice of the peace, and appellate jurisdiction

in all cases appealed from the lower court. Questions of law which may arise in the trial of a case in the county court may be carried to the supreme court for final decision.

Court of Chancery. — Powers of the Court of Chancery are vested in a Chancellor. In this state the chancellors are the judges of the supreme court, who may also appoint special masters in chancery competent to try and determine the facts in issue. Two stated terms of the court of chancery are held annually in each county, commencing on the days appointed by law for holding the county court and to continue for such time as the court may direct. There may be as many adjourned and special terms as the state of business requires. Its sessions are held at the same place as the county court. This court has jurisdiction, among other things, of suits to foreclose mortgages, to enforce the specific performance of contracts, to compel the discharge of trust obligations, and to enjoin the commission of certain wrongs. Appeals can be taken to the supreme court.

The Supreme Court. — The Supreme Court consists of one chief judge and six associate judges. Three general terms of this court are held as follows: On the second Tuesday in January, May, and October at Montpelier, and special terms may be held there at such times as the judges may appoint. They hear the causes upon the dockets of the several counties. No case can be decided unless four judges who hear it concur in the decision. The governor may require the opinion of the judges upon questions of law connected with the discharge of his duties.

The supreme court tries and determines questions

of law brought up from the lower courts and corrects errors of law made therein. It also has exclusive jurisdiction of such petitions not triable by jury as are by law brought before it; may issue certain writs and processes to inferior courts, to corporations, and to individuals, that may be necessary to the furtherance of justice and the execution of the laws.

Naturalization. — By virtue of the laws of the United States, the county courts and municipal courts have power to naturalize aliens.

The Reporter. — The Reporter is an officer appointed by the judges of the supreme court, who annually prepares the decisions of the court for publication and procures the printing and binding of the same.

United States Courts. — In the judicial department of the United States, Vermont, New York, and Connecticut form the Second Circuit. Vermont constitutes by itself a single Judicial District. The circuit and district courts hold their regular sessions at Burlington, Rutland, and Windsor.

QUESTIONS ON CHAPTER VI.

1. In what is the judicial power of the state vested?
2. How are the judges of the different courts elected?
3. What cases can be tried in a justice court?
4. What are the powers of a probate court?
5. What constitutes the county court?
6. Of what does the Supreme Court consist?
7. Where and when are the sessions of the Supreme Court held?
8. What courts can naturalize aliens?
9. What does Vermont constitute in the judicial system of the United States?

CHAPTER VII.

THE CONSTITUTION OF THE STATE OF VERMONT :

ESTABLISHED BY CONVENTION JULY 9, 1793; AND AMENDED BY CONVENTIONS IN 1828, 1836, 1850, AND 1870, AND BY THE PEOPLE IN 1883.

CHAPTER I.

A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE STATE OF VERMONT.

ARTICLE 1. That all men are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety: therefore no male person born in this country, or brought from over sea; ought to be holden by law, to serve any person as a servant, slave, or apprentice, after he arrives to the age of twenty-one years, nor female in like manner, after she arrives to the age of eighteen years, unless they are bound by their own consent, after they arrive to such age, or bound by law for the payment of debts, damages, fines, costs, or the like..

ARTICLE 2. That private property ought to be subservient to public uses when necessity requires it, nevertheless, whenever any person's property is taken for the use of the public, the owner ought to receive an equivalent in money.

ARTICLE 3. That all men have a natural and unalienable right, to worship Almighty God, according to the dictates of their own consciences and understandings, as in their opinion shall be regulated by the word of God; and that no man ought to, or of right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any minister contrary to the dictates of his conscience, nor can any man be justly deprived or abridged of any civil right as a citizen on account of his religious sentiments, or peculiar mode of religious worship; and that no authority can, or ought to be vested in, or assumed by, any power whatever, that shall in any case interfere with, or in any manner control the rights of conscience, in the free exercise of religious worship. Nevertheless, every sect or denomination of Christians ought to observe the Sabbath or Lord's day, and keep up some sort of religious worship, which to them shall seem most agreeable to the revealed will of God.

ARTICLE 4. Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character; he ought to obtain right and justice, freely and without being obliged to purchase it; completely and without any denial; promptly and without delay; conformably to the laws.

ARTICLE 5. That the people of this state by their legal representatives, have the sole, inherent, and exclusive right of governing and regulating the internal police of the same.

ARTICLE 6. That all power being originally inherent in and consequently derived from the people, therefore,

all officers of government, whether legislative, or executive, are their trustees and servants ; and at all times, in a legal way, accountable to them.

ARTICLE 7. That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single man, family, or set of men, who are a part only of that community, and that the community hath an indubitable, unalienable, and indefeasible right, to reform or alter government in such manner as shall be, by that community, judged most conducive to the public weal.

ARTICLE 8. That all elections ought to be free and without corruption, and that all freemen, having a sufficient, evident, common interest with, and attachment to the community, have a right to elect officers, and be elected into office, agreeably to the regulations made in this constitution.

ARTICLE 9. That every member of society hath a right to be protected in the enjoyment of life, liberty, and property, and therefore is bound to contribute his proportion towards the expense of that protection, and yield his personal service, when necessary, or an equivalent thereto, but no part of any person's property can be justly taken from him, or applied to public uses, without his own consent, or that of the Representative Body of the freemen, nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent ; nor are the people bound by any law but such as they have in like manner assented to, for their common good : and previous to any law being made to raise a tax, the purpose

for which it is to be raised ought to appear evident to the Legislature to be of more service to community than the money would be if not collected.

ARTICLE 10. That in all prosecutions for criminal offences, a person hath a right to be heard by himself and his counsel; to demand the cause and nature of his accusation; to be confronted with the witnesses; to call for evidence in his favor, and a speedy public trial by an impartial jury of the country; without the unanimous consent of which jury, he cannot be found guilty; nor can he be compelled to give evidence against himself; nor can any person be justly deprived of his liberty, except by the laws of the land, or the judgment of his peers.

ARTICLE 11. That the people have a right to hold themselves, their houses, papers, and possessions, free from search or seizure; and therefore warrants, without oath or affirmation first made, affording sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his, her, or their property, not particularly described, are contrary to that right, and ought not to be granted.

ARTICLE 12. That when any issue in fact, proper for the cognizance of a jury is joined in a court of law, the parties have a right to trial by jury, which ought to be held sacred.

ARTICLE 13. That the people have a right to freedom of speech, and of writing and publishing their sentiments concerning the transactions of government, and therefore the freedom of the press ought not to be restrained.

ARTICLE 14. The freedom of deliberation, speech, and debate, in the Legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

ARTICLE 15. The power of suspending laws, or the execution of laws, ought never to be exercised but by the Legislature, or by authority derived from it, to be exercised in such particular cases, as this constitution, or the Legislature shall provide for.

ARTICLE 16. That the people have a right to bear arms for the defence of themselves and the state — and as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to and governed by the civil power.

ARTICLE 17. That no person in this state can in any case be subjected to law martial, or to any penalties or pains by virtue of that law, except those employed in the army, and the militia in actual service.

ARTICLE 18. That frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the blessings of liberty, and keep government free; the people ought, therefore, to pay particular attention to these points, in the choice of officers and representatives, and have a right, in a legal way, to exact a due and constant regard to them, from their legislators and magistrates, in making and executing such laws as are necessary for the good government of the state.

ARTICLE 19. That all people have a natural and

inherent right to emigrate from one state to another that will receive them.

ARTICLE 20. That the people have a right to assemble together to consult for their common good—to instruct their Representatives—and to apply to the Legislature for redress of grievances, by address, petition, or remonstrance.

ARTICLE 21. That no person shall be liable to be transported out of this state for trial for any offence committed within the same.

CHAPTER II.

PLAN OR FRAME OF GOVERNMENT.¹

SECTION 1 superseded by Arts. Amend. 3 and 8.

SECTION 2 superseded by Art. Amend. 3.

SECTION 3 superseded by Art. Amend. 8.

SECTION 4. Courts of Justice shall be maintained in every county in this State, and also in new counties, when formed; which courts shall be open for the trial of all causes proper for their cognizance; and justice shall be therein impartially administered, without corruption or unnecessary delay. The Judges of the Supreme Court shall be Justices of the peace throughout the State; and the several Judges of the County Courts, in their respective counties, by virtue of their office, except in the trial of such causes as may be appealed to the County Court.

¹ The text of those sections which have been superseded or abrogated has been omitted; also from other sections a few passages that have by virtue of amendments become inoperative, have been stricken out.

SECTION 5. A future Legislature may, when they shall conceive the same to be expedient and necessary, erect a Court of Chancery, with such powers as are usually exercised by that Court, or as shall appear for the interest of the Commonwealth. Provided they do not constitute themselves the Judges of the said court.

SECTION 6. The Legislative, Executive, and Judiciary departments, shall be separate and distinct, so that neither exercise the powers properly belonging to the other.

SECTION 7. In order that the freemen of this State might enjoy the benefit of election as equally as may be, each town within this State, that consists, or may consist of eighty taxable inhabitants, within one septenary or seven years next after the establishing this Constitution, may hold elections therein, and choose each two Representatives; and each other inhabited town in this State, may, in like manner, choose each one Representative to represent them in General Assembly, during the said septenary, or seven years, and after that, each inhabited town may, in like manner, hold such election, and choose each one Representative forever thereafter.

SECTION 8. The House of Representatives of the Freemen of this State, shall consist of persons most
See Art. Amend., 24. noted for wisdom and virtue, to be chosen by ballot, by the freemen of every town in this State, respectively, on the first Tuesday of September annually, forever.

SECTION 9. The Representatives so chosen (a majority of whom shall constitute a quorum for transacting

any other business than raising a State tax, for which two-thirds of the members elected shall be present) shall meet on the second Thursday of the succeeding October, and shall be styled the General Assembly of the State of Vermont : they shall have power to choose their Speaker, Secretary of State, their Clerk, and other necessary officers of the House — sit on their own adjournments — prepare bills and enact them into laws — judge of the elections and qualifications of their own members : they may expel members, but not for causes known to their constituents antecedent to their election : they may administer oaths and affirmations in matters depending before them — redress grievances — impeach state criminals — grant charters of incorporation — constitute towns, boroughs, cities, and counties : they may annually on their first session after their election, in conjunction with the Council (or oftener if need be) elect Judges of the Supreme and several county and probate Courts, Sheriffs, and Justices of the peace ; and also, with the Council, may elect Major-Generals and Brigadier-Generals, from time to time, as often as there shall be occasion : and they shall have all other powers necessary for the Legislature of a free and sovereign State : but they shall have no power to add to, alter, abolish, or infringe any part of this Constitution.

SECTION 10. The Supreme Executive Council of this State, shall consist of a Governor, Lieutenant-Governor [and twelve persons] chosen in the following manner, viz. The freemen of each town shall, on the day of election for choosing Representatives to attend the General Assembly, bring

See Arts.
Amend., 2, 3,
10, 14, 15, 17,
18, 20, 24, 26.

See Arts.
Amend., 9,
24.

in their votes for Governor, with his name fairly written, to the Constable, who shall seal them up, and write on them, VOTES FOR THE GOVERNOR, and deliver them to the Representative chosen to attend the General Assembly; and at the opening of the General Assembly, there shall be a committee appointed out of the Council and Assembly, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count the votes for the Governor, and declare the person who has the major part of the votes, to be Governor for the year ensuing. And if there be no choice made, then the Council and General Assembly, by their joint ballot, shall make choice of a Governor. The Lieutenant-Governor and Treasurer shall be chosen in the manner above directed. . . .

SECTION II. The Governor, and in his absence, the Lieutenant-Governor, with the Council, (a major part of whom, including the Governor, or Lieutenant-Governor, shall be a quorum to transact business), shall have power to commission all officers — and also to appoint officers, except where provision is, or shall be otherwise made, by law or this frame of government — and shall supply every vacancy in any office, occasioned by death or otherwise, until the office can be filled in the manner directed by law or this Constitution. They are to correspond with other States — transact business with officers of government, civil and military — and to prepare such business as may appear to them necessary, to lay before the General Assembly. They shall sit as Judges to hear and determine on impeachments, taking to their assistance, for advice only, the Judges of the Supreme Court. And

See Arts.

Amend., 6, 7,
8, 21.

shall have power to grant pardons and remit fines, in all cases whatsoever, except in treason and murder; in which they shall have power to grant reprieves, but not to pardon, until after the end of the next Session of Assembly; and except in cases of impeachment, in which there shall be no remission, or mitigation of punishment, but by act of legislation. They are also to take care that the laws be faithfully executed. They are to expedite the execution of such measures as may be resolved upon by the General Assembly. And they may draw upon the Treasury for such sums as may be appropriated by the House of Representatives. They may also lay embargoes, or prohibit the exportation of any commodity, for any time not exceeding thirty days, in the recess of the House only. They may grant such licenses as may be directed by law; and shall have power to call together the General Assembly, when necessary, before the day to which they shall stand adjourned. The Governor shall be Captain-General and Commander-in-Chief of the forces of the State, but shall not command in person, except advised thereto by the Council, and then only so long as they shall approve thereof. And the Lieutenant-Governor shall, by virtue of his office, be Lieutenant-General of all the forces of the State. . . .

SECTION 12. The Representatives having met and chosen their Speaker and Clerk, shall each of them, before they proceed to business, take and subscribe, as well the oath or affirmation of allegiance hereinafter directed (except where they shall produce certificates of their having heretofore taken and subscribed the same) as the following oath or affirmation, viz.

You do solemnly swear (or affirm) that as a Member of this Assembly, you will not propose, or assent to any bill, vote, or resolution, which shall appear to you injurious to the people, nor do or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the Constitution of this State; but will in all things conduct yourself as a faithful, honest Representative and guardian of the people, according to the best of your judgment and abilities. (*In case of an oath*) so help you God. (*And in case of an affirmation*) under the pains and penalties of perjury.

SECTION 13. The doors of the house in which the General Assembly of this Commonwealth shall sit, shall be open for the admission of all persons who behave decently, except only when the welfare of the State may require them to be shut.

SECTION 14. The votes and proceedings of the General Assembly shall be printed (when one-third of the members think it necessary) as soon as convenient after the end of each session, with the yeas and nays on any question, when required by any Member (except where the votes shall be taken by ballot), in which case, every member shall have a right to insert the reason of his vote upon the minutes.

SECTION 15. The stile of the laws of this State in future to be passed, shall be, *It is hereby enacted by the General Assembly of the State of Vermont.*

SECTION 16 superseded by Art. Amend. 11.

SECTION 17. No money shall be drawn out of the Treasury, unless first appropriated by act of Legislation.

SECTION 18. No person shall be elected a Repre-

sentative, until he has resided two years in this State; the last of which shall be in the town for which he is elected.

SECTION 19. No member of the Council, or House of Representatives, shall, directly or indirectly, receive any fee or reward to bring forward, or advocate any bill, petition for other business, to be transacted in the Legislature; or advocate any cause, as Council in either House of Legislation, except when employed in behalf of the State.

SECTION 20. No person ought in any case, or in any time, to be declared guilty of treason or felony, by the Legislature.

SECTION 21. Every man of the full age of twenty-one years, having resided in the State for the space of one whole year next before the election of Representatives, and is of a quiet and peaceful behavior, and will take the following oath or affirmation, shall be entitled to all the privileges of a freeman of this State.

Freeman's
qualification
and oath. See
Art. Amend., 1.

You solemnly swear (or affirm) that whenever you give your vote or suffrage, touching any matter that concerns the State of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the Constitution, without fear or favor of any man.

SECTION 22. The inhabitants of this State shall be trained and armed for its defence, under such regulations, restrictions, and exceptions, as Congress, agreeably to the Constitution of the United States, and the Legislature of this State, shall direct. The several Companies of Militia shall, as often as vacancies hap-

pen, elect their Captain and other Officers, and the Captain and Subalterns shall nominate and recommend the field Officers, of their respective regiments, who shall appoint their staff-officers.

SECTION 23. All Commissions shall be in the name of the freemen of the State of Vermont, sealed with the State seal, signed by the Governor, and in his absence, the Lieutenant-Governor, and attested by the Secretary, which seal shall be kept by the Governor.

SECTION 24. Every officer of State, whether judicial or executive, shall be liable to be impeached by the General Assembly, either when in office, or after his resignation or removal for mal-administration. . . .

Impeachment.
See Arts.
Amend., 7, 8.

SECTION 25. As every freeman, to preserve his independence (if without sufficient estate) ought to have some profession, calling, trade, or farm whereby he may honestly subsist, there can be no necessity for, nor use in, establishing offices of profit, the usual effects of which are, dependence and servility, unbecoming freemen, in the possessors or expectants, and faction, contention, and discord among the people. But if any man is called into public service to the prejudice of his private affairs, he has a right to a reasonable compensation; and whenever an office through increase of fees or otherwise, becomes so profitable as to occasion many to apply for it, the profit ought to be lessened by the Legislature. And if any officer shall wittingly and wilfully, take greater fees than the law allows him, it shall ever after disqualify him from holding any office in this State, until he shall be restored by act of Legislation.

SECTION 26. No person in this State shall be capable of holding or exercising more than one of the following offices at the same time ; viz., Governor, Lieutenant-Governor, Judge of the Supreme Court, Treasurer of the State, Member of the Council, Member of the General Assembly, Surveyor General, or Sheriff. Nor shall any person holding any office of profit or trust under the authority of Congress, be eligible to any appointment in the Legislature ; or of holding any executive or judiciary office under this State.

SECTION 27 superseded by Art. Amend. 22.

SECTION 28. The Treasurer's account shall be annually audited, and a fair state thereof laid before the General Assembly, at their session in October.

SECTION 29. Every officer, whether judicial, executive, or military, in authority under this State, before he enters upon the execution of his office, shall take and subscribe the following oath or affirmation of allegiance to this State (unless he shall produce evidence that he has before taken the same), and also the following oath or affirmation of office, except military officers and such as shall be exempted by the Legislature.

THE OATH OR AFFIRMATION OF ALLEGIANCE.

You do solemnly swear (or affirm) that you will be true and faithful to the State of Vermont, and that you will not, directly or indirectly, do any act or thing injurious to the Constitution or Government thereof, as established by Convention. (If an oath) so help you God. (If an affirmation) under the pains and penalties of perjury.

THE OATH OR AFFIRMATION OF OFFICE.

You do solemnly swear (or affirm) that you will faithfully execute the office of for the of ; and will therein do equal right and justice to all men, to the best of your judgment and abilities, according to law. (If an oath) so help you God. (If an affirmation) under the pains and penalties of perjury.

SECTION 30. No person shall be eligible to the office of Governor or Lieutenant-Governor, until he shall have resided in this State four years next preceding the day of his election.

SECTION 31. Trials of issue, proper for the cognizance of a Jury, in the Supreme and County Courts, shall be by Jury, except where parties otherwise agree; and great care ought to be taken to prevent corruption or partiality in the choice and return, or appointment of Juries.

SECTION 32. All prosecutions shall commence, *By the authority of the State of Vermont*; — all Indictments shall conclude with these words, *against the peace and dignity of this State*. And all fines shall be proportioned to the offences.

SECTION 33. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up and assigning over, *bona fide*, all his estate, real and personal, in possession, reversion, or remainder, for the use of his creditors, in such manner as shall be hereafter regulated by law. And all prisoners, unless in execution, or committed for

capital offences, when the proof is evident or presumption great, shall be bailable by sufficient sureties ; nor shall excessive bail be exacted for bailable offences.

SECTION 34. All elections, whether by the people or the Legislature, shall be free and voluntary : and any elector who shall receive any gift or reward for his vote, in meat, drink, monies, or otherwise, shall forfeit his right to elect at that time, and suffer such other penalty as the law shall direct ; and any person who shall directly or indirectly, give, promise, or bestow, any such rewards to be elected, shall thereby be rendered incapable to serve for the ensuing year, and be subject to such further punishment as a future Legislature shall direct.

SECTION 35. All deeds and conveyances of land shall be recorded in the town Clerk's office in their respective towns ; and for want thereof, in the county Clerk's office of the same County.

SECTION 36. The Legislature shall regulate entails in such manner as to prevent perpetuities.

SECTION 37. To deter more effectually from the commission of crimes, by continued visible punishments of long duration, and to make sanguinary punishments less necessary, means ought to be provided for punishing by hard labor, those who shall be convicted of crimes not capital, whereby the criminal shall be employed for the benefit of the public, or for the reparation of injuries done to private persons : and all persons at proper times ought to be permitted to see them at their labor.

SECTION 38. The estates of such persons as may destroy their own lives, shall not, for that offence, be forfeited, but descend or ascend in the same manner as if such persons had died in a natural way. Nor shall

any article which shall accidentally occasion the death of any person, be henceforth deemed a deodand, or in any wise forfeited on account of such misfortune.

SECTION 39. Every person, of good character, who comes to settle in this State, having first taken an oath
See Art. or affirmation of allegiance to the same, may
Amend., 1. purchase, or by other just means acquire, hold and transfer land, or other real estate; and after one year's residence shall be deemed a free denizen thereof, and entitled to all rights of a natural born subject of this State, except that he shall not be capable of being elected Governor, Lieutenant-Governor, Treasurer, Councillor or Representative in Assembly, until after two years' residence.

SECTION 40. The inhabitants of this State shall have liberty in seasonable times, to hunt and fowl on the lands they hold, and on other lands not enclosed; and in like manner to fish in all boatable and other waters (not private property) under proper regulations, to be hereafter made and provided by the General Assembly.

SECTION 41. Laws for the encouragement of virtue and prevention of vice and immorality, ought to be constantly kept in force, and duly executed: and a competent number of schools ought to be maintained in each town for the convenient instruction of youth: and one or more grammar schools be incorporated and properly supported, in each County in this State. And all religious societies, or bodies of men, that may be hereafter united or incorporated for the advancement of religion and learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities, and estates, which they in

justice ought to enjoy, under such regulations as the General Assembly of this State shall direct.

SECTION 42. The declaration of the political rights and privileges of the inhabitants of this State, is hereby declared to be a part of the Constitution of this Commonwealth ; and ought not to be violated, on any pretence whatsoever.

SECTION 43 abrogated by Art. Amend. 25.

ARTICLES OF AMENDMENT.

ARTICLE 1. No person who is not already a freeman of this State shall be entitled to exercise the privileges of a freeman unless he be a natural born citizen of this or some one of the United States, or until he shall have been naturalized agreeably to the acts of Congress.

ARTICLE 2. The most numerous branch of the Legislature of this State shall hereafter be styled the House of Representatives.

ARTICLE 3. The Supreme Legislative power of this State shall hereafter be exercised by a Senate and the House of Representatives ; which shall be styled, " The General Assembly of the State of Vermont." — Each shall have and exercise the like powers in all acts of Legislation ; and no bill, resolution, or other thing, which shall have been passed by the one, shall have the effect of, or be declared to be, a law, without the concurrence of the other. *Provided*, that all Revenue bills shall originate in the House of Representatives, — but the Senate may propose or concur with amendments, as on other bills. Neither House during the session of the General Assembly, shall without the consent of

the other, adjourn for more than three days, nor to any other place than that, in which the two Houses shall be sitting, — and in case of disagreement between the two Houses, with respect to adjournment, the Governor may adjourn them to such time as he shall think proper.

ARTICLE 4 superseded by Art. Amend., 23.

ARTICLE 5. The freemen of the several towns in
See Art. Amend., 24. each County shall annually, give their votes for the Senators, apportioned to such County, at the same time, and under the same regulations as are now provided for the election of Councillors. — And the person or persons, equal in number to the number of Senators, apportioned to such County, having the greatest number of legal votes in such County respectively, shall be the Senator or Senators, of such County. — At every election of Senators, after the votes shall have been taken, the Constable or presiding officer, assisted by the Selectmen and civil authority present, shall sort and count the said votes, and make two lists of the names of each person, with the number of votes given for each annexed to his name, a record of which shall be made in the town Clerk's office, and shall seal up said lists, separately, and write on each the name of the town, and these words, "Votes for Senator," or "Votes for Senators," as the case may be, one of which lists shall be delivered, by the presiding officer, to the Representative of said town (if any), and if none be chosen, to the Representative of an adjoining town, to be transmitted to the President of the Senate; — the other list, the said presiding officer, shall within ten days, deliver to the Clerk of the County Court, for the same County, — and the Clerk of each County Court,

respectively, or in case of his absence, or disability, to the Sheriff of such County, or in case of the absence or disability of both, to the High Bailiff of such County, on the tenth day after such election, shall publicly, open, sort, and count said votes ;—and make a record of the same in the office of the Clerk of such County Court, a copy of which he shall transmit to the Senate :—and shall also within ten days thereafter, transmit to the person or persons elected, a certificate of his or their election. *Provided*, However, that the General Assembly shall have power to regulate by Law the mode of balloting for Senators, within the several Counties, and to prescribe the means, and the manner by which the result of the balloting shall be ascertained, and through which the Senators chosen shall be certified of their election, and for filling all vacancies in the Senate, which shall happen by death, resignation or otherwise. But they shall not have power to apportion the Senators to the several Counties, otherwise, than according to the population thereof agreeably to the provisions hereinbefore ordained.

ARTICLE 6. The Senate shall have the like powers to decide on the election and qualifications of, and to expel any of its members, make its own rules, and appoint its own officers, as are incident to, or are possessed by, the House of Representatives. A majority shall constitute a quorum. The Lieutenant-Governor shall be President of the Senate, except when he shall exercise the office of Governor, or when his office shall be vacant, or in his absence, in which cases the Senate shall appoint one of its own members, to be President of the Senate, *pro tempore*. And

the President of the Senate shall have a casting vote, but no other.

ARTICLE 7. The Senate shall have the sole power of trying and deciding upon all impeachments — when sitting for that purpose, they shall be on oath, or affirmation, and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend farther than to removal from office — and disqualification to hold or enjoy any office of honor, or profit, or trust, under this State. But the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to Law.

ARTICLE 8. The Supreme Executive power of the State shall be exercised by the Governor, or, in case of his absence or disability, by the Lieutenant-Governor; who shall have all the powers, and perform all the duties vested in, and enjoined upon the Governor and Council by the Eleventh and Twenty-Seventh Sections of the Second Chapter of the Constitution, as at present established, excepting that he shall not sit as a judge, in case of impeachment, nor grant reprieve or pardon in any such case; nor shall he command the forces of the State in person, in time of war or insurrection; unless by the advice and consent of the Senate; and no longer than they shall approve thereof. The Governor may have a Secretary of Civil and Military Affairs, to be by him appointed during pleasure, whose services he may at all times command; and for whose compensation provision shall be made by law.

See Art.
Amend., 22.
Con. Secs. 11
24, 27.

ARTICLE 9. The votes for Governor, Lieutenant-

Governor, and Treasurer, of the State, shall be sorted and counted, and the result declared, by a committee appointed by the Senate and House of Representatives. If, at any time, there shall be no election, by the freemen, of Governor, Lieutenant-Governor, and Treasurer, of the State, the Senate and House of Representatives shall, by a joint ballot, elect to fill the office not filled by the freemen as aforesaid, one of the three candidates for such office (if there be so many) for whom the greatest number of votes shall have been returned.

ARTICLE 10. The Secretary of State, and all officers whose elections are not otherwise provided for, and who, under the existing provisions of the Constitution, are elected by the Council and House of Representatives, shall, hereafter, be elected by the Senate and House of Representatives, in joint assembly, at which the presiding officer of the Senate shall preside; and such presiding officer in such joint assembly shall have a casting vote, and no other.

ARTICLE 11. Every bill which shall have passed the Senate and House of Representatives, shall, before it become a law, be presented to the Governor; if he approve, he shall sign it; if not, he shall return it, with his objection in writing, to the House, in which it shall have originated; which shall proceed to reconsider it. If, upon such reconsideration, a majority of the House shall pass the bill, it shall, together with the objections, be sent to the other House, by which it shall, likewise, be reconsidered, and, if approved by a majority of that House, it shall become a law. But, in all such cases, the votes of both houses shall be taken by yeas and nays, and the names of the persons voting for or against

the bill shall be entered on the journal of each House, respectively. If any bill shall not be returned by the Governor, as aforesaid, within five days (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner as if he had signed it ; unless the two Houses, by their adjournment, within three days after the presentment of such bill, shall prevent its return ; in which case it shall not become a law.

ARTICLE 12. The Writ of Habeas Corpus shall in no case be suspended — It shall be a writ, issuable of right ; and the General Assembly shall make provision to render it a speedy and effectual remedy in all cases proper therefor.

ARTICLE 13. Such parts and provisions only of the Constitution of this State, established by Convention on the ninth day of July, one thousand seven hundred and ninety-three, as are altered or superseded by any of the foregoing amendments, or are repugnant thereto, shall hereafter cease to have effect.

ARTICLE 14. The Assistant Judges of the County Court shall be elected by the Freemen of their respective Counties.

ARTICLE 15. Sheriffs and High Bailiffs shall be elected by the Freemen of their respective Counties.

ARTICLE 16. State's Attorneys shall be elected by the Freemen of their respective Counties.

ARTICLE 17. Judges of Probate shall be elected by the Freemen of their respective Probate Districts.

ARTICLE 18. Justices of the Peace shall be elected by the Freemen of their respective towns ; and towns having less than one thousand inhabitants may elect any

number of Justices of the Peace not exceeding *five*; towns having one thousand, and less than two thousand inhabitants, may elect *seven*; towns having two thousand and less than three thousand inhabitants, may elect *ten*; towns having three thousand and less than five thousand inhabitants, may elect *twelve*; and towns having five thousand or more inhabitants, may elect *fifteen* Justices of the Peace.

ARTICLE 19. All the officers named in the preceding articles of amendment shall be annually elected by ballot and shall hold their offices for one year, said year commencing on the first day of December next after their election. See Art. Amend., 24.

ARTICLE 20. The election of the several officers mentioned in the preceding articles, excepting town Representatives, shall be made at the times and in the manner now directed in the Constitution for the choice of Senators. See Art. Amend., 24. And the presiding officer of each Freeman's meeting, after the votes shall have been taken, sorted and counted, shall in open meeting, make a certificate of the names of each person voted for, with the number of votes given for each, annexed to his name and designating the office for which the votes were given, a record of which shall be made in the Town Clerk's office, and he shall seal up said certificate, and shall write thereon the name of the town and the words, *Certificate of Votes for*-----, and add thereto, in writing, the title of the office voted for, as the case may be, and shall deliver such certificate to some Representative chosen as a member of the General Assembly, whose duty it shall be to cause such certificate of votes to be delivered to the Committee of

the General Assembly appointed to canvass the same. And at the sitting of the General Assembly, next after such balloting for the officers aforesaid, there shall be a Committee appointed of and by the General Assembly, who shall be sworn to the faithful discharge of their duty and whose duty it shall be to examine such certificates and ascertain the number of votes given for each candidate, and the persons receiving the largest number of votes for the respective offices, shall be declared duly elected, and by such Committee be reported to the General Assembly and the officers so elected shall be commissioned by the Governor. And if two or more persons designated for any one of said offices, shall have received an equal number of votes, the General Assembly shall elect one of such persons to such office.

ARTICLE 21. The term of office of the Governor,
See Art. Lieutenant-Governor, and Treasurer, of the
Amend., 24. State, respectively, shall commence when they shall be chosen and qualified, and shall continue for the term of one year, or until their successors shall be chosen and qualified, or to the adjournment of the session of the Legislature, at which, by the constitution and laws, their successors are required to be chosen, and not after such adjournment. And the Legislature shall provide, by general law, declaring what officer shall act as Governor whenever there shall be a vacancy in both the offices of Governor and Lieutenant-Governor, occasioned by a failure to elect, or by the removal from office, or by the death, resignation, or inability of both Governor and Lieutenant-Governor, to exercise the powers and discharge the duties of the office of Governor; and such officer, so designated, shall exercise the powers

and discharge the duties appertaining to the office of Governor accordingly until the disability shall be removed, or a Governor shall be elected. And in case there shall be a vacancy in the office of Treasurer, by reason of any of the causes enumerated, the Governor shall appoint a Treasurer for the time being, who shall act as Treasurer until the disability shall be removed, or a new election shall be made.

ARTICLE 22. The Treasurer of the State shall, before entering upon the duties of his office, give sufficient security to the Secretary of State, in behalf of the State of Vermont, before the Governor of the State or one of the Judges of the Supreme Court. And Sheriffs and High Bailiffs, before entering upon the duties of their respective offices, shall give sufficient security to the Treasurers of their respective Counties, before one of the Judges of the Supreme Court, or the two Assistant Judges of the County Court of their respective Counties, in such manner and in such sums as shall be directed by the Legislature.

ARTICLE 23. The Senate shall be composed of thirty Senators, to be of the Freemen of the County See Art. Amend., 24. for which they are elected, respectively, who shall have attained the age of thirty years, and they shall be elected annually by the Freemen of each County respectively.

The Senators shall be apportioned to the several Counties, according to the population, as ascertained by the Census taken under the authority of Congress in the year 1840, regard being always had, in such apportionment to the Counties having the largest fraction, and giving to each County at least one Senator.

The Legislature shall make a new apportionment of the Senators to the several Counties, after the taking of each census of the United States, or after a census taken for the purpose of such apportionment, under the authority of this State, always regarding the above provisions of this article.

ARTICLE 24. Section 1. The General Assembly shall meet on the first Wednesday of October, biennially; the first election shall be on the first Tuesday of September, A.D. 1870; the first session of the General Assembly on the first Wednesday of October, A.D. 1870.

Section 2. The Governor, Lieutenant-Governor, Treasurer of the State, senators, town representatives, assistant judges of the county court, sheriffs, high bailiffs, State's attorneys, judges of probate and justices of the peace, shall be elected biennially, on the first Tuesday of September, in the manner prescribed by the Constitution of the State.

Section 3. The term of office of the Governor, Lieutenant-Governor, and Treasurer of the State, respectively, shall commence when they shall be chosen and qualified, and shall continue for the term of two years, or until their successors shall be chosen and qualified, or to the adjournment of the session of the Legislature at which, by the Constitution and laws, their successors are required to be chosen, and not after such adjournment.

Section 4. The term of office of senators and town representatives shall be two years, commencing on the first Wednesday of October following their election.

Section 5. The term of office of the assistant judges

of the county court, sheriffs, high bailiffs, State's attorneys, judges of probate, and justices of the peace, shall be two years, and shall commence on the first day of December next after their election.

ARTICLE 25. Section 1. At the session of the General Assembly of this State, A.D. 1880, and at the session thereof every tenth year thereafter, the Senate may, by a vote of two-thirds of its members, make proposals of amendment to the Constitution of the State, which proposals of amendment, if concurred in by a majority of the members of the House of Representatives, shall be entered on the journals of the two Houses, and referred to the General Assembly then next to be chosen, and be published in the principal newspapers of the State; and if a majority of the members of the Senate and of the House of Representatives of the next following General Assembly shall respectively concur in the same proposals of amendment, or any of them, it shall be the duty of the General Assembly to submit the proposals of amendment so concurred in to a direct vote of the freemen of the State; and such of said proposals of amendment as shall receive a majority of the votes of the freemen voting thereon shall become a part of the Constitution of this State.

Section 2. The General Assembly shall direct the manner of voting by the people upon the proposed amendments, and enact all such laws as shall be necessary to procure a free and fair vote upon each amendment proposed, and to carry into effect all the provisions of the preceding section.

Section 3. The House of Representatives shall have

all the powers now possessed by the Council of Censors to order impeachments, which shall in all cases be by a vote of two-thirds of its members.

Section 4. The forty-third section of the second part of the Constitution of this State is hereby abrogated.

ARTICLE 26. The Judges of the Supreme Court shall be elected biennially, and their term of office shall be two years.

ARTICLE 27. Section 1. The representatives having met on the day appointed by law for the commencement of a biennial session of the General Assembly, and chosen their speaker, and the senators having met, shall, before they proceed to business take and subscribe the following oath, in addition to the oath now prescribed: "*You, _____, do solemnly swear (or affirm) that you did not at the time of your election to this body, and that you do not now, hold any office of profit or trust under the authority of Congress. So help you God.*" Or, in case of affirmation, "*Under the pains and penalties of perjury.*"

Section 2. The words "*office of profit or trust under the authority of Congress*" shall be construed to mean any office created directly or indirectly by Congress, and for which emolument is provided from the Treasury of the United States.

ARTICLE 28. Section 1. The Secretary of State and Auditor of Accounts shall be elected by the freemen of the State upon the same ticket with the Governor, Lieutenant-Governor and Treasurer.

Section 2. The legislature shall carry this article into effect by appropriate legislation.

APPENDIX

CONTAINING FACSIMILE OF

WARNING OF TOWN MEETING, OFFICIAL BALLOTS USED AT ANNUAL TOWN
MEETING, ANNUAL CITY ELECTION, AND FREEMEN'S MEETING.

WARNING.—TOWN MEETING.

The inhabitants of the Town of St. Albans, who are legal voters in town meeting, are hereby warned to meet at Foresters' Hall, Lake St., on Tuesday, the 5th day of March next, at 9.00 o'clock A.M., for the following purposes:—

1. To choose the necessary officers for the year ensuing.
2. To act on the several reports to be submitted.
3. To choose three trustees of the public library and to fill vacancies if any.
4. To choose one trustee of the Bellows Free Academy Fund and fill vacancies if any; also to make proper allowance for services.
5. To see what sum of money the town will appropriate towards the expense of a proper observance of Memorial Day.
6. To make proper allowance for services.
7. To see what sum of money the town will appropriate for music on the park.
8. To see if the town will vote to pay the Fire Department for services rendered outside the village and within the town limits.
9. To raise money and provide means to pay current expenses of the town for the year ensuing.
10. To see if the town will vote to accept the provisions of Sections 382 to 388 inclusive, of the Revised Laws, as amended, relating to the collection of taxes by the Town Treasurer.
11. To see what appropriation, if any, shall be made for the benefit of the Public Library, in addition to the regular allowance of two hundred and fifty dollars.
12. To see what action shall be taken and what appropriation shall be made to provide for a site and the erection of a suitable building in which to hold Town and Freemen's meetings.
13. To see if the town will vote to exempt the Willard Manufacturing Company from taxation for a term of years, as provided by law.

H. W. HATCH,	}	<i>Selectmen of the Town of St. Albans.</i>
S. LAWRENCE,		
T. M. DEAL,		

ST. ALBANS, Vt., Feb, 16, 1895.

This is a part of the Official Ballot which appears on the two succeeding pages.

A cross (X) in the square at the head of a column, is a vote for all the candidates named in a column.

A person desiring to vote for only a part of the names on the ballot may do so by making a cross in the square at the right of the name or names of his choice.

UNION TICKET.



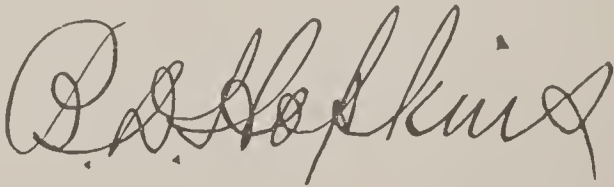
Names presented by the board of Civil Authority to be chosen by the town for COUNTY GRAND JURORS.		COUNTY PETIT JURORS.	Vote for TEN.
	Vote for SEVEN.	P. J. Ward.	Union Ticket.
Alvah W. Prindle.	Union Ticket.	George Cassidy.	Union Ticket.
Chancey Temple.	Union Ticket.	Geo. W. Lepper.	Union Ticket.
D. S. Danforth.	Union Ticket.	Cyrus G. Newton.	Union Ticket.
Fay Herrick.	Union Ticket.	W. B. Halbert.	Union Ticket.
Anson B. Collins.	Union Ticket.	Dan. W. Bessette.	Union Ticket.
J. H. Cummings.	Union Ticket.	Thos. Gallagher.	Union Ticket.
E. P. Stevens.	Union Ticket.	William T. Merritt.	Union Ticket.
		John R. Corliss.	Union Ticket.
		Henry C. Allen.	Union Ticket.

FOLD YOUR BALLOT BEFORE LEAVING THE BOOTH.

On the back of this ballot was the following endorsement:—

“OFFICIAL BALLOT,
ST. ALBANS, VERMONT.
ANNUAL TOWN MEETING,
MARCH 5, 1895.

(Signed)


Town Clerk.

This Ballot was marked with my assistance.

.....
.....”

Specimen Official Ballot used at Town Election, An-

A cross (X) in the square at the head of a column, is a vote for all the candi-
dates named in a column.

A person desiring to vote for only a part of the names on the ballot may do so
by making a cross in the square at the right of the name or names of his choice.

REPUBLICAN TICKET.



MODERATOR. Vote for ONE.		TRUSTEE OF PUBLIC MONEY. Vote for number fixed by Meeting.	
Alfred A. Hall.	Republican.	Francis J. Houghton.	Republican.
TOWN CLERK. Vote for ONE.		TOWN GRAND JURORS. Vote for number fixed by Meeting.	
B. D. Hopkins.	Republican.	Fuller C. Smith.	Republican.
		George C. Stevens.	Republican.
		C. D. Watson.	Republican.
		E. B. Flinn.	Republican.
SELECTMEN. Vote for number fixed by Meeting.		AUDITORS. Vote for THREE.	
Henry W. Hatch.	Republican.	W. B. Fonda.	Republican.
Stevens Lawrence.	Republican.	G. P. Twigg.	Republican.
Thomas M. Deal.	Republican.	John Branch.	Republican.
TOWN TREASURER. Vote for ONE.		INSPECTOR OF LEATHER. Vote for number fixed by Meeting.	
B. D. Hopkins.	Republican.	Richard R. Sweeney.	Republican.
OVERSEER OF POOR. Vote for ONE.		POUND KEEPERS. Vote for number fixed by Meeting.	
James Scott.	Republican.	B. F. Rugg.	Republican.
		George Younger.	Republican.
		A. C. Woodruff.	Republican.
FIRST CONSTABLE. Vote for ONE.		SURVEYORS OF WOOD and } INSPECTORS OF LUMBER. } Vote for number fixed by Meeting.	
Bennett C. Hall.	Republican.	Frank W. Fonda.	Republican.
		I. S. Bostwick.	Republican.
SECOND CONSTABLE. Vote for ONE.		TOWN AGENT. Vote for ONE.	
Peter Little.	Republican.	F. W. Hyde.	Republican.
COLLECTOR OF TAXES. Vote for ONE.		ROAD COMMISSIONER. Vote for ONE.	
Bennett C. Hall.	Republican.	E. D. Brooks.	Republican.
LISTERS. Vote for number fixed by Meeting.			
W. H. H. Greene.	Republican.		
W. T. Merritt.	Republican.		
M. F. Sullivan.	Republican.		
FENCE VIEWERS. Vote for THREE.			
John R. Corliss.	Republican.		
Patrick Ward.	Republican.		
James M. Mooney.	Republican.		

FOLD YOUR BALLOT BEFORE

A cross (X) in the square at the head of a column, is a vote for all the candidates named in a column.

A person desiring to vote for only a part of the names on the ballot may do so by making a cross in the square at the right of the name or names of his choice.

DEMOCRATIC TICKET.



MODERATOR.		Vote for ONE.		TRUSTEE OF PUBLIC MONEY.	
C. L. Bingham.		Democratic.		Vote for number fixed by Meeting.	
				Dr. George Dunsmore. Democratic.	
TOWN CLERK.		Vote for ONE.		TOWN GRAND JURORS.	
S. S. Watson.		Democratic.		Vote for number fixed by Meeting.	
SELECTMEN.				A. H. George. Democratic.	
Vote for number fixed by Meeting.				E. A. Ashland. Democratic.	
Dr. Ralph Sherwood.		Democratic.		P. C. F. McCambridge. Democratic.	
F. F. Young.		Democratic.		E. Deschenes. Democratic.	
G. C. Story.		Democratic.			
TOWN TREASURER.		Vote for ONE.		AUDITORS.	
S. S. Watson.		Democratic.		Vote for THREE.	
				George Cassidy. Democratic.	
				Dr. A. A. Claflin. Democratic.	
				T. G. Driscoll. Democratic.	
OVERSEER OF POOR.		Vote for ONE.		INSPECTOR OF LEATHER.	
Phillip Pelky.		Democratic.		Vote for number fixed by Meeting.	
				P. Mitchell. Democratic.	
FIRST CONSTABLE.		Vote for ONE.		POUND KEEPERS.	
J. T. Sullivan.		Democratic.		Vote for number fixed by Meeting.	
				George Stilphen. Democratic.	
				John Stilphen. Democratic.	
				Patrick Sholan. Democratic.	
SECOND CONSTABLE.		Vote for ONE.			
W. W. Conger.		Democratic.			
COLLECTOR OF TAXES.		Vote for ONE.		SURVEYORS OF WOOD and	
J. T. Sullivan.		Democratic.		INSPECTORS OF LUMBER. } { Vote for number	
				fixed by Meeting.	
				C. H. Wiley. Democratic.	
				J. E. Butler. Democratic.	
LISTERS. Vote for number fixed by Meeting.				TOWN AGENT.	
G. B. Meigs. Democratic.				Vote for ONE.	
James Sheehy. Democratic.				J. E. Welch. Democratic.	
Owen Marron. Democratic.					
FENCE VIEWERS.		Vote for THREE.		ROAD COMMISSIONER.	
John Stilphen. Democratic.				Vote for ONE.	
Patrick Ward, Jr. Democratic.				C. E. Stuffebean. Democratic.	
Wm. Mooney. Democratic.					

Specimen Official Ballot used at Freeman's Meeting, Ward

REPUBLICAN.



For GOVERNOR.	Vote for ONE.
Urban A. Woodbury, of Burlington.	
For LIEUTENANT-GOVERNOR.	Vote for ONE.
Zophar M. Mansur, of Brighton.	
For TREASURER.	Vote for ONE.
Henry F. Field, of Rutland.	
For SECRETARY OF STATE.	Vote for ONE.
Chauncey W. Brownell, of Burlington.	
For AUDITOR OF ACCOUNTS.	Vote for ONE.
Franklin D. Hale, of Lunenburg.	
For REPRESENTATIVE TO CONGRESS. First District.	Vote for ONE.
H. Henry Powers, of Morristown.	
For SENATORS.	Vote for THREE.
Elias Lyman, of Burlington.	
Solomon H. Macomber, of Westford.	
Robert J. White, of Shelburne.	
For ASSISTANT JUDGES OF THE COUNTY COURT.	Vote for TWO.
Oscar J. Tomlinson, of Huntington.	
George W. Stevens, of Bolton.	
For STATE'S ATTORNEY.	Vote for ONE.
Rufus E. Brown, of Burlington.	
For SHERIFF.	Vote for ONE.
Thomas Reeves, of Burlington.	
For HIGH BAILIFF.	Vote for ONE.
George K. Taft, of South Burlington.	
For JUDGE OF PROBATE FOR THE DISTRICT OF CHITTENDEN.	Vote for ONE.
Torrey E. Wales, of Burlington.	
For COUNTY COMMISSIONER.	Vote for ONE.
Orvis H. Ellis, of Huntington.	

DEMOCRATIC.



For GOVERNOR.	Vote for ONE.
George W. Smith, of Hartford.	
For LIEUTENANT-GOVERNOR.	Vote for ONE.
Edgar N. Bullard, of Swanton.	
For TREASURER.	Vote for ONE.
Charles Clark, of Rutland.	
For SECRETARY OF STATE.	Vote for ONE.
John W. Gordon, of Barre.	
For AUDITOR OF ACCOUNTS.	Vote for ONE.
E. E. Sargent, of St. Johnsbury.	
For REPRESENTATIVE TO CONGRESS. First District.	Vote for ONE.
Vernon A. Bullard, of Underhill.	
For SENATORS.	Vote for THREE.
James B. Henderson, of Burlington.	
Frank Jubell, of Colchester.	
Fred N. Drury, of South Burlington.	
For ASSISTANT JUDGES OF THE COUNTY COURT.	Vote for TWO.
Jacob W. Truax, of Essex.	
S. G. Bush, of Charlotte.	
For STATE'S ATTORNEY.	Vote for ONE.
Walter H. Collison, of Burlington.	
For SHERIFF.	Vote for ONE.
Michael Murphy, of Burlington.	
For HIGH BAILIFF.	Vote for ONE.
William J. Gibson, of Jericho.	
For JUDGE OF PROBATE FOR THE DISTRICT OF CHITTENDEN.	Vote for ONE.
Henry Gillett, of Richmond.	
For COUNTY COMMISSIONER.	Vote for ONE.
Ebenezer O. Johnson, of Colchester.	

PROHIBITION.



For GOVERNOR. Vote for ONE.

For LIEUTENANT-GOVERNOR. Vote for ONE.

For TREASURER. Vote for ONE.

For SECRETARY OF STATE. Vote for ONE.

For AUDITOR OF ACCOUNTS. Vote for ONE.

For REPRESENTATIVE TO CONGRESS.
First District. Vote for ONE.

For SENATORS. Vote for THREE.

For ASSISTANT JUDGES OF THE
COUNTY COURT. Vote for Two.

For STATE'S ATTORNEY. Vote for ONE.

For SHERIFF. Vote for ONE.

For HIGH BAILIFF. Vote for ONE.

For JUDGE OF PROBATE FOR THE
DISTRICT OF CHITTENDEN. Vote for ONE.

For COUNTY COMMISSIONER. Vote for ONE.

PEOPLE'S PARTY.



For GOVERNOR. Vote for ONE.

Thomas S. McGinnis, of Jericho.

For LIEUTENANT-GOVERNOR. Vote for ONE.

Henry W. Conro, of South Hero.

For TREASURER. Vote for ONE.

Walter S. Curtis, of Randolph.

For SECRETARY OF STATE. Vote for ONE.

Andrews L. Bowen, of Dorset.

For AUDITOR OF ACCOUNTS. Vote for ONE.

Charles S. Louis, of Reading.

For REPRESENTATIVE TO CONGRESS.
First District. Vote for ONE.

For SENATORS. Vote for THREE.

For ASSISTANT JUDGES OF THE
COUNTY COURT. Vote for Two.

For STATE'S ATTORNEY. Vote for ONE.

For SHERIFF. Vote for ONE.

For HIGH BAILIFF. Vote for ONE.

For JUDGE OF PROBATE FOR THE
DISTRICT OF CHITTENDEN. Vote for ONE.

For COUNTY COMMISSIONER. Vote for ONE.

On the back of this ballot was the following endorsement: —

“OFFICIAL BALLOT,

WARD FOUR, CITY OF BURLINGTON,

ELECTION SEPTEMBER 4, 1894.

(Signed)

O. P. Ray,
County Clerk,

This ballot was marked with my assistance.

.....
Member of Board of Civil Authority.”

NOTE. — It will be noticed that the names of the candidates of the “Prohibition” party do not appear in this ballot. Nominations for state officers were made, but the certificates of these nominations were not filed, as required by law. Those voting that ticket were obliged to insert the names of the candidates. No nominations for county officers, or for representative to Congress were made by either the “Prohibition” or the “People’s Party.”

REPUBLICAN.
☐

For JUSTICES OF THE PEACE.
Vote for FIFTEEN.

Torrey E. Wales, 289 College Street.	
George W. Beckwith, 236 Main Street.	
Henry O. Wheeler, 78 Spruce Street.	
Sherwin M. Flint, 106 Colchester Ave.	
James E. Burke, 56 Cherry Street.	
A. V. Spaulding, 179 No. Winooski Ave.	
William H. H. Conner, 7 Johnson Street.	
Peter Lander, 163 North Street.	
John J. Enright, 250 Maple Street.	
Elmer E. Davis, 243 Colchester Avenue.	
Oliver De Varennes, 82 North Street.	
Daniel Roberts, 83 Main Street.	
Walter H. Collison, 82 Church Street.	
E. W. J. Hawkins, 120 Pine Street.	
James W. Madigan, 106 North Street.	

DEMOCRATIC.
☐

For JUSTICES OF THE PEACE.
Vote for FIFTEEN.

John W. Daley, Cor. Spruce and Elm Sts.	
William V. Scully, 27 George Street.	
James E. Burke, 56 Cherry Street.	
A. V. Spaulding, 179 No. Winooski Ave.	
E. W. J. Hawkins, 120 Pine Street.	
John J. Enright, 250 Maple Street.	
James B. Donoway, American Block.	
Peter Lander, 163 North Street.	
Augustus Armagnac, 10 So. Willard St.	
William H. H. Conner, 7 Johnson Street.	
Oliver De Varennes, 82 North Street.	
James W. Madigan, 106 North Street.	
George W. Deberville, 22 Buell Street.	
Sherwin M. Flint, 106 Colchester Ave.	
Walter H. Collison, 82 Church Street.	

PEOPLE'S PARTY.
☐

For JUSTICES OF THE PEACE.
Vote for FIFTEEN.

Fred. E. Gill, 172 No. Willard Street.	
Calvin W. Minckler, 42 Blodgett Street.	
William D. Huff, 21 Blodgett Street.	
Henry J. Munson, North Bend Street.	
George Wilson, 244 No. Willard Street.	
Alson L. Witters, 82 King Street.	
Abel T. Way, 168 Pine Street.	
Thomas F. Mangan, 41 Spruce Street.	
George B. Rand, 64 No. Champlain St.	
E. W. J. Hawkins, 120 Pine Street.	
Chas. E. Germain, 198 No. Winooski Ave.	
William H. H. Conner, 7 Johnson Street.	
Hiram Hanscomb, 317 North Street.	
Walter H. Collison, 82 Church Street.	
Thos. Monahan, 110 No. Champlain St.	

REPUBLICAN.
☐

For CITY REPRESENTATIVE. Vote for ONE.

Charles P. Smith, 58 No. Battery Street.	

DEMOCRATIC.
☐

For CITY REPRESENTATIVE. Vote for ONE.

James B. Henderson, 254 So. Union St.	

PEOPLE'S PARTY.
☐

For CITY REPRESENTATIVE. Vote for ONE.

Hugh P. Monahan, 112 Pine Street.	

On the back of this ballot was the following endorsement:—

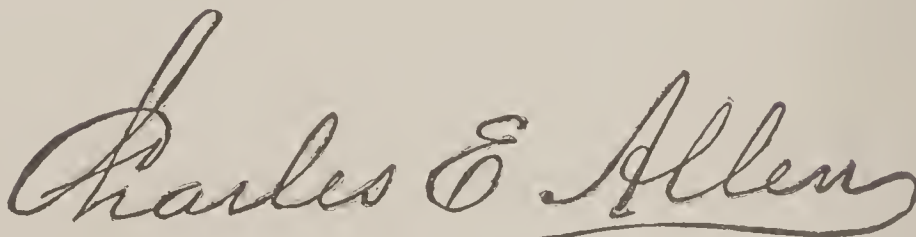
“OFFICIAL BALLOT

FOR

WARD 4, CITY OF BURLINGTON,

SEPTEMBER 4, 1894.

(Signed)

A handwritten signature in dark ink, reading "Charles E. Allen". The signature is written in a cursive style with a large initial "C" and a long, sweeping underline.

City Clerk.

This ballot was marked with my assistance.

.....
Inspector of Election."

NOTE.— On the back of the ballot printed on page 93, was an endorsement identical with the above, except the date, which read “March 5, 1895.”

REPUBLICAN.	
☐	
For MAYOR.	Vote for ONE.
William J. Van Patten, 386 Pearl St.	
For ALDERMAN.	Vote for ONE.
Calvin S. Isham, 45 So. Willard Street.	
For SCHOOL COMMISSIONER.	Vote for ONE.
Charles C. Miller, 24 St. Paul Street.	
For INSPECTORS OF ELECTION.	Vote for THREE.
Fred S. Pease, 85 So. Willard Street.	
Byron M. Lambkin, 135 St. Paul Street.	
Geo. L. LaFountain, 95 Church Street.	
For WARD CLERK.	Vote for ONE.
George C. Mayo, 159 Bank Street.	

DEMOCRATIC.	
☐	
For MAYOR.	Vote for ONE.
For ALDERMAN.	Vote for ONE.
James E. Burke, 56 Cherry Street.	
For SCHOOL COMMISSIONER.	Vote for ONE.
Charles C. Miller, 24 St. Paul Street.	
For INSPECTORS OF ELECTION.	Vote for THREE.
James A. Brown, 14 So. Union Street.	
Fred S. Pease, 85 So. Willard Street.	
For WARD CLERK.	Vote for ONE.
Clarence G. Crane, 88 Bank Street.	

PEOPLE'S PARTY.	
☐	
For MAYOR.	Vote for ONE.
Henry J. Munson, First Street.	
For ALDERMAN.	Vote for ONE.
Robert Campbell, 82 So Champlain St.	
For SCHOOL COMMISSIONER.	Vote for ONE.
For INSPECTORS OF ELECTION.	Vote for THREE.
For WARD CLERK.	Vote for ONE.

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